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FINAL
CITY COUNCIL

CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. December 8, 2009

City Council Chambers
455 North Main

OPENING OF REGULAR MEETING

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on December 1, 2009

AWARDS AND PROCLAMATIONS

- Proclamation:

Westar Energy Day

I. PUBLIC AGENDA

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a “first-come, first-served” basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. Candace Reed - The Forgotten Four.

COUNCIL BUSINESS

II. UNFINISHED COUNCIL BUSINESS

None

III. NEW COUNCIL BUSINESS

1. **Public Hearing and Issuance of Industrial Revenue Bonds, The Coleman Company.** (District I)

RECOMMENDED ACTION: 1) Close the public hearing and approve first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$5,300,000; 2)Release and convey the 1998 Coleman bond-financed property; 3)Extend the tax exemption on the 2000, 2001 and 2002 IRB bond-financed property for a one-year period and review further extensions at the end of year 2010; and 4)Authorize the necessary signatures.

2. **Public Hearing and Issuance of Industrial Revenue Bonds, Cessna Aircraft Company.** (Districts III and IV)

RECOMMENDED ACTION: Close the public hearing and place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Taxable Industrial Revenue Bonds in an amount not-to-exceed \$45,000,000, release and convey the 1999 bond-financed property, and authorize the necessary signatures.

3. **Public Hearing and Issuance of Industrial Revenue Bonds, Bombardier Learjet.** (Districts IV and V)

RECOMMENDED ACTION: Close the public hearing and place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds for Learjet, Inc. in the amount not-to-exceed \$4,900,000, and authorize necessary signatures.

4. **Consider County Request for Arena Exemptions.** (District I)

RECOMMENDED ACTION: Adopt the resolution authorizing the requested exemption.

5. **Multi-Use Path to connect McAdams Park and Grove Park.** (Districts I and VI)

RECOMMENDED ACTION: Approve the design concept, approve the revised budget, adopt the amending resolution and authorize the signing of state/federal agreements as required.

6. **Year-end Salary and Classification Ordinances.**

RECOMMENDED ACTION: Adopt the ordinance and place it on first reading.

(9:30 a.m. or soon thereafter)

7. Public Hearing: Repair or Removal of Dangerous and Unsafe Structures. (Districts I, III and IV)

<u>Property Address</u>	<u>Council District</u>
a. 2511 East 9th Street North	I
b. 1956 North Spruce	I
c. 2110 East 13th Street North	I
d. 2023 East Chisholm	I
e. 1022 North Green	I
f. 1348 North Green	I
g. 936 North Holyoke	I
h. 1652 South Greenwood	I
i. 1004 East Bayley	I
j. 1531 North Minnesota	I
k. 1728 North Fairmount	I
l. 3676 East Cessna	III
m. 1448 South Handley	IV

RECOMMENDED ACTION: Close the public hearing, adopt the resolutions declaring the buildings to be dangerous and unsafe structures, and accept the BCSC recommended actions to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair any structures would be contingent on the following: (1) All taxes have been paid to date as of December 8, 2009; (2) the structures have been secured as of December 8, 2009, and will continue to be kept secured; and (3) the premises are mowed and free of debris as of December 8, 2009, and will be so maintained during renovation.

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

IV. NON-CONSENT PLANNING AGENDA

1. ZON2009-00032-City Zone Change from B Multi-family Residential ("B") to GC General Commercial ("GC") with a Protective Overlay ("PO"); generally located west of Broadway Avenue and south of 29th Street North. (District VI)

RECOMMENDED ACTION: Adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay #238 and subject to the condition of platting within one year of approval by the governing body, instruct the Planning Department to forward the ordinance for first reading when the plat is recorded.

V. CONSENT PLANNING AGENDA

1. **(THIS ITEM HAS BEEN MOVED TO NON-CONSENT PLANNING ITEM IV-1)**
2. *SUB 2009-22 -- Plat of Maize 54 Addition, located on the north side of Kellogg Drive and east of Maize Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures, approve first reading of the Ordinance and adopt the Resolutions.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VI. NON-CONSENT HOUSING AGENDA

None

VII. CONSENT HOUSING AGENDA

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VIII. NON-CONSENT AIRPORT AGENDA

None

IX. CONSENT AIRPORT AGENDA

None

COUNCIL AGENDA

X. COUNCIL MEMBER AGENDA

None

XI. COUNCIL MEMBER APPOINTMENTS

1. Board Appointments.

RECOMMENDED ACTION: Approve the Appointments.

XII. CONSENT AGENDA (ITEMS 1 THROUGH 11A)

1. Report of Board of Bids and Contracts dated December 7, 2009.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2009</u>	<u>(Consumption off Premises)</u>
Kashif Ali Khan	Zee Enterprises Inc.	7115 West 13th Street North
James W Peters	Jeymanco Inc. dba Schulte Country Store	11012 SW Boulevard

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Preliminary Estimates. (See Attached)

RECOMMENDED ACTION: Receive and file.

4. Statement of Costs:

a. Statements of Cost. (See Attached)

RECOMMENDED ACTION: Approve and file.

5. Minutes of Advisory Boards/Commissions

District Advisory Board I, October 12, 2009

Board of Electrical Appeals, September 8, 2009

Transit Advisory Board, November 13, 2009

Board of Appeals of Refrigeration, Air Conditioning, Warm Air Heating and Boiler, October 22, 2009

RECOMMENDED ACTION: Receive and file.

6. Contracts and Agreements for November 2009.

RECOMMENDED ACTION: Receive and File.

7. Nuisance Abatement Assessments.

RECOMMENDED ACTION: Approve the proposed assessments.

8. Victim Advocate Contract with Kansas Legal Services, Inc.

RECOMMENDED ACTION: Approve the contract including any necessary fund transfers and authorize the Mayor to sign.

9. ARRA Street Maintenance Projects. (Districts I and VI)

RECOMMENDED ACTION: Place the amending ordinances on first reading and authorize the necessary signatures and authorize the necessary budget adjustment.

10. Program Management Services for Water Supply Projects.

(PULLED PER CITY MANAGER)

11. Purchase of Paratransit Minivans.

RECOMMENDED ACTION: Approve the purchase of two minivans from Kansas Truck and Equipment Co., Inc., at the cost of \$76,930 and authorize the purchasing manager to execute a purchase order.

12. Second Reading Ordinances: (First Read December 1, 2009)

a. List of second Reading Ordinances. (See Attached)

RECOMMENDED ACTION: Adopt the Ordinances.

Adjournment

**City of Wichita
City Council Meeting
December 8, 2009**

TO: Mayor and City Council

SUBJECT: Public Hearing and Issuance of Industrial Revenue Bonds, The Coleman Company. (District I)

INITIATED BY: Office of Urban Development

AGENDA: New Business

Recommendation: Close the public hearing and place the ordinance on first reading, approve the property tax exemption.

Background: Since 1993, the City of Wichita has issued industrial revenue bonds (IRBs) for the Coleman Company each year except in 2003, pursuant to letters of intent to issue IRBs. IRBs have been used to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for manufacturing facilities in Wichita and Maize. Since 1999, property financed with IRBs has been exempted from property taxes for terms of five years plus a second five years subject to City Council approval based on meeting job creation goals.

Beginning in 2005, the City Council began reviewing prior Coleman bond issues for the second five-year period of abatement. Since Coleman has not achieved the commitments it originally made in terms of job creation, the City Council has approved one-year extensions on the property financed in 1999, 2000, 2001 and 2002. This year's review will consider a one-year extension of the tax exemptions on property financed with IRBs in 2000, 2001 and 2002 (property financed in 1999 is not eligible for abatement).

The City-County Economic Development Incentive Policy adopted in 2006, allows for companies to qualify for economic development incentives, including property tax abatements, based on capital investment only, without necessarily requiring job creation.

On November 20, 2007, the City Council approved the most recent IRB Letter of Intent expiring December 31, 2011, in an amount not-to-exceed \$35,000,000. Council also approved a 100% five-plus-five year property tax exemption on all bond-financed real property improvements. Bond proceeds will be used for the improvement of factory space and for the purchase of additional manufacturing equipment, primarily machinery, tooling and technological equipment at the existing Wichita and Maize facilities. The company is now requesting the issuance of IRBs in a total amount of \$5,300,000 for 2009 improvements (leaving approximately \$14,000,000 remaining under the 2007 Letter of Intent).

Analysis: The Coleman Company, Inc. manufactures and distributes outdoor recreational products. The Company's principal products include a comprehensive line of pressurized lighting, cooling and heating appliances for camping and outdoor recreational use (such as Coleman lanterns and stoves), fuel-related products, including disposable propane-filled cylinders, a broad range of insulated food and beverage containers, portable electric lights, and other outdoor recreation products.

The bond proceeds will be used for building and land improvements and for the purchase of additional equipment, primarily machinery, tooling and technological equipment to support a new large cooler product line that Coleman has developed and entered into contract on for design and production.

The City's bond counsel firm Kutak Rock, L.L.P. serves as bond counsel in the IRB transaction. The Coleman Company will purchase the bonds, and the bonds will not be offered to the public. The Coleman Company has complied with the City's Standard Letter of Intent Conditions.

As a condition of the bond issues and tax exemption approved from 1999 to 2006, Coleman committed to construction of a new corporate headquarters, expansion of existing manufacturing facilities, and purchase of machinery and equipment, with a total investment amount of \$33,000,000 and creation of 200 new jobs within five years of the first bond issue.

Coleman's project commitments and outcomes:

<u>2000, 2001 & 2002 Commitment</u>	<u>October 31, 2009 Status</u>
Construct new building addition	Completed new building additions totaling approximately \$23,000,000
Purchase Manufacturing Equipment	Purchased equipment worth over \$15,000,000
Create 200 new jobs in five years	No new jobs were created

Coleman has fallen short of its jobs commitment and has significantly downsized its workforce. Coleman has undergone an extensive corporate restructuring, following acquisition of Coleman's parent company by Jarden Corporation. The corporate headquarters of the Coleman Company was moved back to Wichita from Chicago. Economic conditions and technological advances have led Coleman to eliminate unfilled and vacated positions and they do not anticipate significant increases in the near future. Coleman continues to maintain employment levels that are relatively consistent over the last 5 years.

Financial Considerations: The Coleman Company, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council approved of a 100% five-plus-five-year tax exemption on property purchased with bond proceeds, based solely on Coleman's commitment to make a capital investment of at least \$35 million over a 5-year period. In addition, bond-financed purchases are exempt from state and local sales tax.

The purchase price of \$1,000 and other considerations as listed under the purchase option provision of the Lease Agreement has been paid for conveyance of the 1998 IRB-financed property. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

City Council approved 100% property tax abatement for five years, with a second five years subject to Council approval. Based on the 2008 mill levy, the estimated tax value of exempted property for the first full year is approximately \$191,831. The value of the exemption to individual taxing jurisdictions is:

City	\$ 16,028	State	\$ 750
County	\$ 15,189	USD 259	\$ 26,983

The cost/benefit analysis performed by Wichita State University's Center for Economic Development and Business Research in 2006 reflects cost/benefit ratios as follows:

City of Wichita	3.17 to one
Sedgwick County	2.12 to one
USD 259	1.17 to one
State of Kansas	21.40 to one

Goal Impact: Economic Vitality and Affordable Living. Providing low-cost financing and granting of ad valorem property tax exemption and sales tax exemption will help Coleman remain competitive and stimulate economic growth for the City of Wichita and Sedgwick County.

Legal Considerations: The City's bond counsel has prepared Bond documents needed for the issuance of bonds. The City Attorney's office will review and approve the final form of bond documents prior to the issuance of any bonds. In addition to authorizing the issuance of the Series 2009 Industrial Revenue Bonds, the attached bond ordinance also authorizes the release of property financed by Series 1998 Bonds, which have been paid in full.

Recommendations/Actions: It is recommended that the City Council:

- 1) Close the public hearing and approve first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$5,300,000;
- 2) Release and convey the 1998 Coleman bond-financed property; and
- 3) Extend the tax exemption on the 2000, 2001 and 2002 IRB bond-financed property for a one-year period and review further extensions at the end of year 2010; and
- 4) Authorize the necessary signatures.

Attachments: Bond Ordinance

ORDINANCE NO. 48-575

AN ORDINANCE AUTHORIZING THE CITY OF WICHITA, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES IV, 2009 (THE COLEMAN COMPANY, INC.), IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$5,300,000 FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP IMPROVEMENTS TO EXISTING FACILITIES LOCATED IN THE CITY OF MAIZE, KANSAS, AND THE CITY OF WICHITA, KANSAS; PRESCRIBING THE FORM AND AUTHORIZING EXECUTION OF A FIFTEENTH SUPPLEMENTAL TRUST INDENTURE BY AND BETWEEN THE CITY AND THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS TRUSTEE, WITH RESPECT TO THE BONDS; PRESCRIBING THE FORM AND AUTHORIZING EXECUTION OF A FIFTEENTH SUPPLEMENTAL LEASE AGREEMENT BY AND BETWEEN THE CITY AND THE COLEMAN COMPANY, INC.; APPROVING THE FORM OF A GUARANTY AGREEMENT; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT BY AND BETWEEN THE CITY AND THE COLEMAN COMPANY, INC., AS PURCHASER OF THE BONDS; AND AUTHORIZING EXECUTION OF A BILL OF SALE.

WHEREAS, the City of Wichita, Kansas (the “Issuer”) is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, renovate and equip certain facilities as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any persons, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities; and

WHEREAS, the Issuer has heretofore determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to existing facilities located in the City of Wichita, Kansas and the City of Maize, Kansas (collectively, the “Project”); and

WHEREAS, the Issuer has, pursuant to K.S.A. 12-2901 *et seq.*, as amended (the “Interlocal Cooperation Act”), entered into an interlocal cooperation agreement with the City of Maize, Kansas (the “Participant”), for the purpose of acting as the Issuer of the Bonds, as hereinafter defined; and

WHEREAS, the Issuer has previously issued an initial series of its Taxable Industrial Revenue Bonds designated “City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series VIII, 1993 (The Coleman Company, Inc.) in the aggregate principal amount of \$10,036,800.00 (the “1993 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to facilities located in the City of Maize, Kansas, and the City of Wichita, Kansas (collectively, the “1993 Project”); and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series XVI, 1999 (The Coleman Company, Inc.) in the aggregate principal amount of \$5,211,281.50 (the “1999 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to the 1993 Project (the “1999 Additions”); and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series VII, 2000 (The Coleman Company, Inc.) in the aggregate principal amount of \$14,871,447.43 (the “2000 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to the 1993 Project (the “2000 Additions”); and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series XIV, 2001 (The Coleman Company, Inc.) in the aggregate principal amount of \$12,165,214.24 (the “2001 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to the 1993 Project (the “2001 Additions”); and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series IX, 2002 (The Coleman Company, Inc.) in the aggregate principal amount of \$13,519,041.38 (the “2002 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to the 1993 Project (the “2002 Additions”); and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series IX, 2004 (The Coleman Company, Inc.) in the aggregate principal amount of \$17,970,208.00 (the “2004 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to the 1993 Project (the “2004 Additions”); and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series VIII, 2005 (The Coleman Company, Inc.) in the aggregate principal amount of \$10,085,623.22 (the “2005 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to the 1993 Project (the “2005 Additions”); and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series VII, 2006 (The Coleman Company, Inc.) in the aggregate principal amount of \$5,498,669.78 (the “2006 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to the 1993 Project (the “2006 Additions”); and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series VIII, 2007 (The Coleman Company, Inc.) in the aggregate principal amount of \$23,862,092.81 (the “2007 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to the 1993 Project (the “2007 Additions”); and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series IX, 2008 (The Coleman Company, Inc.) in the aggregate principal amount of \$6,347,135.72 (the “2008 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to the 1993 Project (the “2008 Additions”); and

WHEREAS, the Issuer has heretofore found and determined and does hereby find and determine that it is desirable that the Issuer issue its Taxable Industrial Revenue Bonds, Series IV, 2009 (The Coleman Company, Inc.) in the aggregate principal amount of not to exceed

\$5,300,000 (the “2009 Bonds”) for the purpose of purchasing, acquiring, constructing and equipping improvements and additions to facilities located in the City of Maize, Kansas, and the City of Wichita, Kansas (the “2009 Additions”) (the 1999 Additions, 2000 Additions, 2001 Additions, 2002 Additions, 2004 Additions, 2005 Additions, 2006 Additions, 2007 Additions, 2008 Additions and 2009 Additions being referred to herein collectively as the “Project”), said Project to be leased by the Issuer to The Coleman Company, Inc., as Tenant (the “Tenant”); and

WHEREAS, the 2009 Bonds and the interest thereon shall not constitute an indebtedness of the Issuer or the Participant within the meaning of any constitutional provision or statutory limitation, shall not constitute nor give rise to a pecuniary liability of the Issuer or the Participant, nor shall any 2009 Bond or the interest thereon be a charge against the general credit or taxing powers of either the Issuer or the Participant. The 2009 Bonds are not general obligations of the Issuer and are payable solely from certain fees, rentals, revenues and other amounts derived by the Issuer pursuant to the Lease (hereinafter defined) and, under certain circumstances, from the proceeds of the 2009 Bonds and insurance and condemnation awards; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the 2009 Bonds (1) to execute and deliver a Fifteenth Supplemental Trust Indenture dated as of December 1, 2009 (the “Fifteenth Supplemental Indenture”), which supplements and amends a certain Trust Indenture dated as of December 1, 1993 (the “1993 Indenture”), a Sixth Supplemental Trust Indenture dated as of December 1, 1999 (the “Sixth Supplemental Indenture”), a Seventh Supplemental Trust Indenture dated as of December 1, 2000 (the “Seventh Supplemental Indenture”), an Eighth Supplemental Trust Indenture dated as of December 1, 2001 (the “Eighth Supplemental Indenture”), a Ninth Supplemental Trust Indenture dated as of December 1, 2002 (the “Ninth Supplemental Indenture”), a Tenth Supplemental Indenture dated as of December 1, 2004 (the “Tenth Supplemental Indenture”), an Eleventh Supplemental Trust Indenture dated as of December 1, 2005 (the “Eleventh Supplemental Indenture”), a Twelfth Supplemental Indenture dated as of December 1, 2006 (the “Twelfth Supplemental Indenture”), a Thirteenth Supplemental Trust Indenture dated as of December 1, 2007 (the “Thirteenth Supplemental Indenture”), and a Fourteenth Supplemental Indenture dated as of December 1, 2008 (the “Fourteenth Supplemental Indenture”), all by and between the Issuer and The Bank of New York Mellon Trust Company, N.A., St. Louis, Missouri, as successor in interest to Boatmen’s National Bank (formerly Bank IV Kansas, National Association) (the “Trustee”) (the 1993 Indenture, the Sixth Supplemental Indenture, the Seventh Supplemental Indenture, the Eighth Supplemental Indenture, the Ninth Supplemental Indenture, the Tenth Supplemental Indenture, the Eleventh Supplemental Indenture, the Twelfth Supplemental Indenture, the Thirteenth Supplemental Indenture, the Fourteenth Supplemental Indenture, and the Fifteenth Supplemental Indenture, being hereinafter collectively referred to as the “Indenture”); and (2) to enter into a Fifteenth Supplemental Lease dated as of December 1, 2009 (the “Fifteenth Supplemental Lease”), which supplements and amends a certain Lease Agreement dated as of December 1, 1993 (the “1993 Lease”), a Sixth Supplemental Lease dated as of December 1, 1999 (the “Sixth Supplemental Lease”), all as amended by a First Amendment to Lease dated as of January 1, 2000 (the “Lease Amendment”), a Seventh Supplemental Lease dated as of December 1, 2000 (the “Seventh Supplemental Lease”), an Eighth Supplemental Lease dated as of December 1, 2001 (the “Eighth Supplemental

Lease”), a Ninth Supplemental Lease dated as of December 1, 2002 (the “Ninth Supplemental Lease”), a Tenth Supplemental Lease dated as of December 1, 2004 (the “Tenth Supplemental Lease”), an Eleventh Supplemental Lease dated as of December 1, 2005 (the “Eleventh Supplemental Lease”), a Twelfth Supplemental Lease dated as of December 1, 2006 (the “Twelfth Supplemental Lease”), a Thirteenth Supplemental Lease dated as of December 1, 2007 (the “Thirteenth Supplemental Lease”) and a Fourteenth Supplemental Lease dated as of December 1, 2008 (the “Fourteenth Supplemental Lease”), all by and between the Issuer and the Tenant, pursuant to which the Issuer shall cause the Project, including the 2009 Additions, to be leased to the Tenant in consideration of the rental payments, including payments of Fifteenth Supplemental Basic Rent, Fifteenth Supplemental Additional Rent and other charges provided for therein (the 1993 Lease, the Sixth Supplemental Lease, the Lease Amendment, the Seventh Supplemental Lease, the Eighth Supplemental Lease, the Ninth Supplemental Lease, the Tenth Supplemental Lease, the Eleventh Supplemental Lease, the Twelfth Supplemental Lease, the Thirteenth Supplemental Lease, the Fourteenth Supplemental Lease and the Fifteenth Supplemental Lease, being hereinafter collectively referred to as the “Lease”); and

WHEREAS, pursuant to the Indenture, the 2009 Bonds shall be equally and ratably secured and on a parity with the 1999 Bonds, the 2000 Bonds, 2001 Bonds, 2002 Bonds, the 2004 Bonds, the 2005 Bonds, the 2006 Bonds, the 2007 Bonds, the 2008 Bonds and any Additional Bonds (the 1999 Bonds, the 2000 Bonds, the 2001 Bonds, the 2002 Bonds, the 2004 Bonds, the 2005 Bonds, the 2006 Bonds, the 2007 Bonds, the 2008 Bonds, the 2009 Bonds and any Additional Bonds being hereinafter collectively referred to as the “Bonds”), subject to the Tenant’s rights to purchase and release allocable portions of the Project; and

WHEREAS, the Trustee has certified that the 1998 Bonds have been paid in full and no 1998 Bonds remain Outstanding; and

WHEREAS, the Company desires to exercise its option to purchase that portion of the Project financed with the 1998 Bonds; and

WHEREAS, the City hereby waives the notice provisions of the Fifth Supplemental Lease dated as of December 1, 1998 (the “Fifth Supplemental Lease”) with respect to the Company’s exercise of its option to purchase the 1998 Additions and finds and determines it necessary and desirable to execute a Bill of Sale conveying the 1998 Additions to the Company and to release the 1998 Additions from the Lease and from the Pledge of the Indenture.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Indenture and Lease.

Section 2. Authority to Cause the 2009 Additions to be Purchased, Acquired, Constructed and Installed. The governing body of the Issuer hereby declares that the Project, including the 2009 Additions, if in being, would promote the welfare of the City of Wichita, Kansas, or the City of Maize, Kansas, and the Issuer is hereby authorized to cause the

2009 Additions to be purchased, acquired, constructed and installed all in the manner and as more particularly described in the Indenture and in the Lease.

Section 3. Authorization of and Security for the 2009 Bonds. There is hereby specifically authorized and directed to be issued a series of the Issuer's industrial revenue bonds to be designated "City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series IV, 2009 (The Coleman Company, Inc.)," in an aggregate principal amount of not to exceed \$5,300,000 for the purpose of paying the cost of purchasing, acquiring, constructing and installing the 2009 Additions. The 2009 Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The 2009 Bonds shall be equally and ratably secured and on a parity with the 1999 Bonds, the 2000 Bonds, the 2001 Bonds, the 2002 Bonds, the 2004 Bonds, the 2005 Bonds, the 2006 Bonds, the 2007 Bonds, the 2008 Bonds and any Additional Bonds, subject to the Tenant's rights to purchase and release allocable portions of the Project. The 2009 Bonds shall be special limited obligations of the Issuer payable solely from the revenues derived by the Issuer pursuant to the Lease, or otherwise in connection with the Project. The 2009 Bonds shall not be general obligations of or constitute a pledge of the faith and credit of the Issuer within the meaning of any constitutional or statutory provision and shall not be payable in any manner from tax revenues. The 2009 Bonds shall be secured under the provisions of the Indenture and are authorized hereby.

Section 4. Authorization of Fifteenth Supplemental Indenture. The Issuer is hereby authorized to enter into the Fifteenth Supplemental Indenture dated as of December 1, 2009, by and between the Issuer and The Bank of New York Mellon Trust Company, N.A., as Trustee (the "Trustee"), under which the Issuer shall pledge and assign to the Trustee, for the benefit of the holders of the Bonds, including the 2009 Bonds, the Trust Estate created thereby all upon the terms and conditions set forth in the Indenture.

Section 5. Lease of the Project. The Issuer shall cause the Project, including the 2009 Additions, to be leased by the Issuer to the Tenant pursuant to and in accordance with the provisions of the Fifteenth Supplemental Lease dated as of December 1, 2009, by and between the Issuer and the Tenant, all upon the terms and conditions set forth in the Lease.

Section 6. Authorization of Bond Purchase Agreement. The 2009 Bonds shall be sold and delivered to The Coleman Company, Inc., upon the terms and subject to the provisions of the Bond Purchase Agreement herein authorized dated as of December 1, 2009 (the "Bond Purchase Agreement"), by and between the Issuer, and The Coleman Company, Inc., as Purchaser.

Section 7. Approval of Guaranty Agreement. The form of Guaranty Agreement, dated as of December 1, 2009, pursuant to which the Tenant guarantees to the Trustee, for the benefit of the Owners of the 2009 Bonds, the full and prompt payment of the principal of, redemption premium, if any, and interest on the 2009 Bonds, is hereby approved.

Section 8. Authorization of Bill of Sale. The City is hereby authorized to deliver a Bill of Sale conveying the 1998 Additions from the City to the Tenant.

Section 9. Execution of 2009 Bonds and Agreements. The Mayor or Vice Mayor of the City of Wichita, Kansas, is hereby authorized and directed to execute the 2009 Bonds and deliver the same to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor or Vice Mayor is hereby further authorized and directed to execute and deliver the Fifteenth Supplemental Indenture, the Fifteenth Supplemental Lease, the Bond Purchase Agreement and the Bill of Sale for and on behalf of and as the act and deed of the Issuer with such minor corrections or amendments thereto as the Mayor or Vice Mayor shall approve, which approval shall be evidenced by his execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The City Clerk or the Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the 2009 Bonds, the Fifteenth Supplemental Indenture, the Fifteenth Supplemental Lease, the Bond Purchase Agreement and the Bill of Sale and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 10. Pledge of the Project. The Issuer hereby pledges its interest in the Project, including the 2009 Additions, to the payment of the 2009 Bonds and all of the Bonds Outstanding under the Indenture in accordance with K.S.A. 12-1744. The lien created by such pledge shall be subject to the Tenant's rights to purchase and release allocable portions of the Project under the Lease, and shall be discharged when all of the Bonds shall be deemed to have been paid within the meaning of the Indenture.

Section 11. Further Authority. The Issuer shall, and the officers, agents and employees of the Issuer are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the 2009 Bonds, the Bond Purchase Agreement, the Fifteenth Supplemental Indenture, the Fifteenth Supplemental Lease and the Bill of Sale all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 12. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the Issuer and publication once in the official newspaper of the Issuer.

PASSED by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on December 15, 2009.

CITY OF WICHITA, KANSAS,
as Issuer

By: _____
Carl Brewer
Mayor

[SEAL]

ATTEST:

By: _____
Karen Sublett
City Clerk

Approved as to Form:

By: _____
Gary E. Rebenstorf
City Attorney

**City of Wichita
City Council Meeting
December 8, 2009**

TO: Mayor and City Council

SUBJECT: Public Hearing and Issuance of Industrial Revenue Bonds (Cessna Aircraft Company) (Districts III and IV)

INITIATED BY: Office of Urban Development

AGENDA: New Business

Recommendation: Close the public hearing and place ordinance on first reading.

Background: Since 1991, the City Council has approved issuance of Industrial Revenue Bonds totaling \$1.2 billion to finance expansion and modernization of Cessna Aircraft Company (“Cessna”) facilities in Wichita. City Council also authorized 100% ad valorem tax exemptions for all bond-financed property for periods of up to ten years.

On November 14, 2006, City Council approved a new five-year Letter of Intent for IRBs in the amount not-to-exceed \$800,000,000. City Council also approved a 100% five-plus-five year property tax abatement on bond-financed property. Cessna is requesting the issuance of IRBs in the amount not to exceed \$45,000,000 to finance capital investments made in 2009.

Analysis: Cessna was incorporated in 1927 in Wichita and is now the world’s largest manufacturer of general aviation aircraft. Cessna also manufactures aircraft parts and provides aircraft maintenance and support services. Cessna currently has four major production and support segments including the Citation family of business jets, the Caravan family of turboprop aircraft, a number of single engine aircraft and world-class service and maintenance operations. Cessna has recently announced the addition of a large body business jet, the Citation Columbus to be produced in Wichita.

Bond proceeds will be utilized to finance capital investment in the facilities located at the Cessna Wichita campus, including technology, manufacturing equipment, and production space to accommodate product development and manufacture of aircraft currently produced in Wichita. The firm of Kutak Rock LLP, serves as bond counsel in the transaction. The IRBs will be purchased by Cessna; bonds will not be offered to the public. Cessna has complied with the Standard Letter of Intent Conditions.

In addition to authorizing the issuance of the Series 2009 Industrial Revenue Bonds, the attached bond ordinance also authorizes the release of property financed by Series 1999 Bonds, which have been surrendered.

Financial Considerations: Cessna agrees to pay all costs of issuing the bonds and agrees to pay the City’s \$2,500 annual IRB administrative fee for the term of the bonds. Under the City’s Economic Development Incentive policy, the Company qualifies for a 100% five-plus-five year tax exemption on bond-financed property based solely on the amount of capital investment.

The purchase price of \$1,000 and other considerations as listed under the purchase option provision of the Lease Agreement has been paid for conveyance of the 1999 IRB-financed property. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

City Council has approved 100% property tax abatement for five years, with a second five years subject to Council approval. Based on the 2008 mill levy, the estimated tax value of exempted property for the first full year is approximately \$2,163,591. The value of a 100% real property exemption applicable to taxing jurisdictions is:

City	\$	200,350	State	\$	9,375
County	\$	189,856	USD 259	\$	337,281

The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City <i>overall</i>	1.52 to one
<i>City General Fund</i>	<i>1.57 to one</i>
County	1.21 to one
USD 259	1.15 to one
State	4.78 to one

Goal Impact: Economic Vitality and Affordable Living. Providing tax abatements to manufacturing businesses helps stabilize the economic base of the community and ensures a steady supply of high-paying jobs.

Legal Considerations: The City's bond counsel has prepared Bond documents needed for the issuance of bonds. The City Attorney's Office has reviewed and approved the form of bond documents prior to the issuance of any bonds.

Recommendations/Actions: It is recommended that the City Council close the public hearing and place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Taxable Industrial Revenue Bonds in an amount not-to-exceed \$45,000,000, release and convey the 1999 bond-financed property, and authorize the necessary signatures.

Attachments: Bond Ordinance

ORDINANCE NO. 48-576

AN ORDINANCE AUTHORIZING THE CITY OF WICHITA, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES VIII, 2009 (CESSNA AIRCRAFT COMPANY), IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$45,000,000 FOR THE PURPOSE OF PURCHASING, ACQUIRING, RENOVATING, EQUIPPING, CONSTRUCTING AND/OR INSTALLING AN INDUSTRIAL AND COMMERCIAL FACILITY; AUTHORIZING EXECUTION OF AN NINETEENTH SUPPLEMENTAL TRUST INDENTURE BY AND BETWEEN THE CITY AND THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., ST. LOUIS, MISSOURI, AS TRUSTEE WITH RESPECT TO THE SERIES VIII, 2009 BONDS; AUTHORIZING THE CITY TO LEASE SAID PROJECT TO CESSNA AIRCRAFT COMPANY; AUTHORIZING THE EXECUTION OF AN NINETEENTH SUPPLEMENTAL LEASE BY AND BETWEEN THE CITY AND CESSNA AIRCRAFT COMPANY; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT BY AND BETWEEN THE CITY AND CESSNA AIRCRAFT COMPANY, AS PURCHASER OF THE BONDS; AND AUTHORIZING EXECUTION OF A BILL OF SALE, TERMINATION AND RELEASE OF NINTH SUPPLEMENTAL LEASE AND CANCELLATION, DISCHARGE AND RELEASE OF NINTH SUPPLEMENTAL TRUST INDENTURE.

WHEREAS, the City of Wichita, Kansas (the “City” or “Issuer”), is authorized by K.S.A. 12-1740 *et seq.*, as amended (the “Act”), to acquire, renovate and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any persons, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities and to refund such revenue bonds previously issued; and

WHEREAS, the Issuer’s Governing Body has heretofore: (1) expressed its intent to issue Taxable Industrial Revenue Bonds (The Cessna Aircraft Company), in the original aggregate principal amount not to exceed \$100,000,000, pursuant to a Letter of Intent dated February 5, 1991; (2) adopted an Ordinance on December 10, 1991 (the “1991 Ordinance”) authorizing the Issuer to issue its Taxable Industrial Revenue Bonds (The Cessna Aircraft Company), in the original aggregate principal amount not to exceed \$100,000,000; (3) expressed its intent to issue Taxable Industrial Revenue Bonds (The Cessna Aircraft Company), in the original aggregate principal amount not to exceed an additional \$200,000,000, pursuant to a Letter of Intent dated December 15, 1992; (4) expressed its intent to issue Taxable Industrial Revenue Bonds (The Cessna Aircraft Company), in the original aggregate principal amount not to exceed an additional \$200,000,000, pursuant to a Letter of Intent dated December 3, 1996; (5) expressed its intent to issue Taxable Industrial Revenue Bonds (The Cessna Aircraft Company), in the original aggregate principal amount not to exceed an additional \$600,000,000, pursuant to a Letter of Intent dated June 8, 1999; and (6) expressed its intent to issue Taxable Industrial Revenue Bonds (the Cessna Aircraft Company), in the original aggregate principal amount not to exceed an additional \$800,000,000, pursuant to a Letter of Intent

dated November 14, 2006; all for the purpose of paying the cost of constructing, installing and equipping certain manufacturing and commercial facilities (the “Project”); and

WHEREAS, the Issuer has heretofore authorized the issuance of eighteen series of Taxable Industrial Revenue Bonds for the purpose of constructing, equipping and installing current or former portions of the Project, such Bonds designated as follows: (1) Series XII, 1991 (The Cessna Aircraft Company), in the original aggregate principal amount of \$30,000,000 (the “Series 1991 Bonds”); (2) Series X, 1992 (The Cessna Aircraft Company), in the original aggregate principal amount of \$44,130,000 (the “Series 1992 Bonds”); (3) Series VII, 1993 (The Cessna Aircraft Company), in the original aggregate principal amount of \$48,100,000 (the “Series 1993 Bonds”); (4) Series XV, 1994 (The Cessna Aircraft Company), in the original aggregate principal amount of \$44,800,000 (the “Series 1994 Bonds”); (5) Series XIV, 1995 (The Cessna Aircraft Company), in the original aggregate principal amount of \$46,000,000 (the “Series 1995 Bonds”); (6) Series XIII, 1996 (The Cessna Aircraft Company), in the original aggregate principal amount of \$54,000,000 (the “Series 1996 Bonds”); (7) Series XVII, 1997 (The Cessna Aircraft Company), in the original aggregate principal amount of \$54,500,000 (the “Series 1997 Bonds”); (8) Series XV, 1998 (The Cessna Aircraft Company), in the original aggregate principal amount of \$80,000,000 (the “Series 1998 Bonds”); (9) Series XIV, 1999 (The Cessna Aircraft Company), in the original aggregate principal amount of \$64,860,000 (the “Series 1999 Bonds”); (10) Series X, 2000 (Cessna Aircraft Company), in the original aggregate principal amount of \$96,300,000 (the “Series 2000 Bonds”); (11) Series XIII, 2001 (Cessna Aircraft Company), in the original aggregate principal amount of \$102,500,000 (the “Series 2001 Bonds”); (12) Series VIII, 2002 (Cessna Aircraft Company), in the original aggregate principal amount of \$94,500,000 (the “Series 2002 Bonds”); (13) Series XI, 2003 (Cessna Aircraft Company), in the original aggregate principal amount of \$55,300,000 (the “Series 2003 Bonds”); (14) Series VIII, 2004 (Cessna Aircraft Company), in the original aggregate principal amount of \$51,800,000 (the “Series 2004 Bonds”); (15) Series VII, 2005 (Cessna Aircraft Company), in the original aggregate principal amount of \$66,500,000 (the “Series 2005 Bonds”); (16) Series VIII, 2006 (Cessna Aircraft Company), in the original aggregate principal amount of \$99,000,000 (the “Series 2006 Bonds”); (17) Series VII, 2007 (Cessna Aircraft Company), in the original aggregate principal amount of \$36,331,000 (the “Series 2007 Bonds”); and (18) Series XI, 2008 (Cessna Aircraft Company), in the original aggregate principal amount of \$73,311,000 (the “Series 2008 Bonds”);

WHEREAS, pursuant to the 1991 Ordinance, the Issuer authorized (i) the execution and delivery of a Trust Indenture dated December 20, 1991 (the “1991 Indenture”), by and between the Issuer and The Bank of New York Trust Company, N.A., St. Louis, Missouri as successor trustee to INTRUST Bank, N.A., Wichita, Kansas (the “Trustee”), which has since been supplemented and amended by Supplemental Indentures for the purpose of issuing and securing the above-referenced series of Bonds and (ii) the execution and delivery of a Lease Agreement dated December 20, 1991 (the “1991 Lease”), by and between the Issuer, as lessor, and the Cessna Aircraft Company (formerly The Cessna Aircraft Company), a Kansas corporation (the “Company”), as lessee, which has since been supplemented and amended by Supplemental Leases under which the proceeds of the above-described series of bonds were used to pay a portion of the costs of the Project; and

WHEREAS, the Series 1991 Bonds, Series 1992 Bonds, Series 1993 Bonds, Series 1994 Bonds, Series 1995 Bonds, Series 1996 Bonds, Series 1997 Bonds and Series 1998 Bonds no longer remain outstanding; and

WHEREAS, the Trustee has certified that the Series 1999 Bonds have been surrendered by the registered owner thereof for cancellation on January 1, 2010; and

WHEREAS, the Company desires to exercise its option to purchase that portion of the Project financed with the proceeds of the Series 1999 Bonds (the “1999 Project”); and

WHEREAS, the City hereby determines to waive the notice provisions of the Lease with respect to the Company’s exercise of its option (as hereinafter defined) to purchase the 1999 Project and finds and determines it necessary and desirable to execute a Bill of Sale conveying such 1999 Project to the Company on or after January 1, 2010; and

WHEREAS, the City has heretofore and does hereby find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issues its Taxable Industrial Revenue Bonds, Series VIII, 2009 (Cessna Aircraft Company) in the original aggregate principal amount of not to exceed \$45,000,000 (the “Series 2009 Bonds”) for the purpose of purchasing, acquiring, constructing and installing certain additions to the Project (the “2009 Additions”); and

WHEREAS, the Series 2009 Bonds are more fully described in the Nineteenth Supplemental Trust Indenture by and between the Issuer and the Trustee, which Nineteenth Supplemental Trust Indenture further supplements and amends the 1991 Indenture (the 1991 Indenture as supplemented and amended, including by the Nineteenth Supplemental Trust Indenture, being referred to herein as the “Indenture”), and in the Nineteenth Supplemental Lease hereinafter authorized; and

WHEREAS, the Project shall be leased by the City to the Company pursuant to the Nineteenth Supplemental Lease by and between the Issuer and the Company, which Nineteenth Supplemental Lease further supplements and amends the 1991 Lease (the 1991 Lease as supplemented and amended, including by the Nineteenth Supplemental Lease, being referred to herein as the “Lease”); and

WHEREAS, the real property upon which the 2009 Additions are located shall be leased to the City from the Company pursuant to a certain Site Lease and Subordination Agreement dated December 20, 1991, by and between the City, as lessee, and the Company, as lessor, as supplemented and amended by a First Supplemental Site Lease and Subordination Agreement dated December 17, 1993, a Second Supplemental Site Lease and Subordination Agreement dated July 1, 1997, and a Third Supplemental Site Lease and Subordination Agreement dated December 22, 2000; and

WHEREAS, the Series 2009 Bonds and the interest thereon shall not constitute an indebtedness of the City of Wichita, Kansas, within the meaning of any constitutional provision or statutory limitation, shall not constitute nor give rise to a pecuniary liability of the City, nor shall any Series 2009 Bond or the interest thereon be a charge against the general credit or taxing powers of the City (because, under the terms of this Ordinance, the Series 2009 Bonds are not general obligations of the City and are payable solely from certain fees, rentals, revenues and other amounts derived by the City pursuant to the Lease and, under certain circumstances, from the proceeds of the Series 2009 Bonds and insurance and condemnation awards); and

WHEREAS, pursuant to the Indenture, the Series 2009 Bonds shall be equally and ratably secured and on a parity with the Series 1999 Bonds, the Series 2000 Bonds, the Series 2001 Bonds, the Series 2002 Bonds, the Series 2003 Bonds, the Series 2004 Bonds, the Series 2005 Bonds, the

Series 2006 Bonds, the Series 2007 Bonds, the Series 2008 Bonds and any Additional Bonds (collectively referred to herein as the “Bonds”) subject to any partial redemption or release of pledged property permitted by the Lease and Indenture; and

WHEREAS, the City further finds and determines that it is necessary and desirable in connection with the issuance of the Series 2009 Bonds: (1) to execute and deliver an Nineteenth Supplemental Trust Indenture dated as of December 16, 2009, with the Trustee, for the purpose of issuing and securing the Series 2009 Bonds as provided therein; (2) to execute and deliver an Nineteenth Supplemental Lease dated as of December 16, 2009, with the Company pursuant to which the City shall cause the 2009 Additions to be leased to the Company in consideration of payments of Supplemental Basic Rent, Supplemental Additional Rent and other charges provided for therein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Indenture and Lease.

Section 2. Authority to Cause the 2009 Additions to be Purchased, Acquired, Constructed and Installed. The City hereby finds and determines the 2009 Additions, if in being, would promote the welfare of the City, and is authorized to cause the 2009 Additions to be purchased, acquired, constructed and installed all in the manner and as more particularly described in the Nineteenth Supplemental Trust Indenture and in the Nineteenth Supplemental Lease hereinafter authorized.

Section 3. Authorization of and Security for the Bonds. There are hereby authorized and directed to be issued the City’s industrial revenue bonds to be designated “City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series VIII, 2009 (Cessna Aircraft Company)” in an original aggregate principal amount not to exceed \$45,000,000 for the purpose of paying the cost of purchasing, acquiring, constructing and installing the 2009 Additions. The Series 2009 Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The Series 2009 Bonds shall be equally and ratably secured and on a parity with the outstanding Bonds (subject to any partial redemption or release of pledged property permitted by the Lease and Indenture). The Series 2009 Bonds shall be special limited obligations of the City payable solely from the revenues derived by the City pursuant to the Lease, or otherwise in connection with the Project. The Series 2009 Bonds shall not be general obligations of or constitute a pledge of the faith and credit of the City within the meaning of any constitutional or statutory provision and shall not be payable in any manner from tax revenues. The Series 2009 Bond shall be secured under the provisions of the Indenture and are authorized hereby.

Section 4. Authorization of Nineteenth Supplemental Trust Indenture. The City is hereby authorized to enter into the Nineteenth Supplemental Trust Indenture dated as of December 16, 2009, by and between the City and the Trustee under which the City shall pledge and assign to the Trustee, for the benefit of the holders of the Bonds, including the Series 2009 Bonds, the Trust Estate created thereby, all upon the terms and conditions set forth in the Indenture.

Section 5. Lease of the 2009 Additions. The City shall cause the 2009 Additions to be leased by the City to the Company pursuant to and in accordance with the Lease, as supplemented by the provisions of the Nineteenth Supplemental Lease, which is authorized hereby.

Section 6. Authorization of Bond Purchase Agreement. The Series 2009 Bonds shall be sold and delivered to Cessna Aircraft Company upon the terms and subject to the provisions of the Bond Purchase Agreement herein authorized dated as of December 16, 2009, by and between the City, and Cessna Aircraft Company, as Purchaser.

Section 7. Authorization of Release Documents. The City is hereby authorized to execute a Bill of Sale conveying the 1999 Project from the City to the Company, a Termination of Ninth Supplemental Lease and Cancellation, Discharge and Release of Ninth Supplemental Trust Indenture (collectively, the "Release Documents") and to deliver such Release Documents upon receipt of Certification by the Trustee that no Series 1999 Bonds remain Outstanding and upon receipt from the Company of the other consideration required under the Lease, and performance by the Company of all conditions precedent to exercise of its purchase option under the Lease.

Section 8. Execution of Series 2009 Bonds and Agreements. The Mayor or Vice Mayor of the City of Wichita, Kansas, is hereby authorized and directed to execute the Series 2009 Bonds and deliver the same to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indenture. The Mayor or Vice Mayor is hereby further authorized and directed to execute and deliver the Nineteenth Supplemental Trust Indenture, the Nineteenth Supplemental Lease, and the Bond Purchase Agreement for and on behalf of and as the act and deed of the City with such minor corrections or amendments thereto as the Mayor or Vice Mayor shall approve, which approval shall be evidenced by his or her execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The Mayor or Vice Mayor is hereby further authorized to execute the Release Documents, and the City Clerk, or other appropriate staff of the City, are authorized to deliver the Release Documents upon satisfaction of the requirements set forth in Section 7 hereof. The City Clerk or the Deputy City Clerk of the City is hereby authorized and directed to attest the execution of the Series 2009 Bonds, the Nineteenth Supplemental Trust Indenture, the Nineteenth Supplemental Lease, the Bond Purchase Agreement, the Release Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 9. Pledge of the Project. The City hereby pledges the 2009 Additions, and the net revenues therefrom to the payment of the Outstanding Bonds, including the Series 2009 Bonds, in accordance with K.S.A. 12-1744. The lien created by such pledge shall be discharged when all of the Series 2009 Bonds shall be deemed to have been paid within the meaning of the Indenture, subject to any partial redemption or release of pledged property permitted by the Lease or Indenture.

Section 10. Further Authority. The City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Series 2009 Bonds, the Nineteenth Supplemental Trust Indenture and the Nineteenth Supplemental Lease, all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 11. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the Issuer, and publication once in the official newspaper of the Issuer.

PASSED by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on December 15, 2009.

CITY OF WICHITA, KANSAS

By _____
Carl Brewer, Mayor

Attest:

By _____
Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

**City of Wichita
City Council Meeting
December 8, 2009**

TO: Mayor and City Council

SUBJECT: Public Hearing and Issuance of Industrial Revenue Bonds (Bombardier Learjet)
(Districts IV and V)

INITIATED BY: Office of Urban Development

AGENDA: New Business

Recommendation: Close the public hearing and place the ordinance on first reading.

Background: On November 6, 2007, City Council approved a Letter of Intent for Industrial Revenue Bonds (“IRBs”) in an amount not-to-exceed \$79,188,000 for Bombardier Learjet (“Learjet”) to finance expansion and modernization of its aircraft manufacturing plant located at Mid-Continent Airport in west Wichita. City Council also approved a 100% five-plus-five year property tax abatement on bond-financed property.

City Council has approved a number of annual IRB issues for Learjet; last year, Learjet began requesting biannual issues. On December 9, 2008, City Council approved issuance of \$2,200,000 for capital improvements made in the second half of 2008 and on July 14, 2009, City Council approved the issuance of \$5,700,000 for investment made in the first half of 2009. Learjet is requesting issuance of IRBs in the amount not-to-exceed \$4,900,000 to finance its capital investments for the second half of 2009.

Analysis: Learjet is a wholly owned subsidiary of Bombardier, Inc. (“Bombardier”), a Canadian corporation headquartered in Montreal, Quebec, Canada. Bombardier is engaged in the design, development, manufacturing and marketing of transportation equipment, aerospace and defense products. Learjet is a member of the Bombardier Aerospace Group. Learjet is engaged in the manufacture and sales of business jet aircraft including the Learjet 40, the Learjet 60, the Learjet 45, and the newest model, the Learjet 85. Learjet’s principal manufacturing facilities, corporate and marketing offices and the Bombardier Flight Test Center are located at One Learjet Way on Mid-Continent Airport. Proceeds from the bonds will be used to finance capital investments made by Learjet in the first half of 2009 to expand and equip manufacturing and flight test facilities. Investments will also be made in building improvements and machinery and equipment to support the production and assembly of the new Learjet 85.

The law firm of Kutak Rock, LLP serves as bond counsel in the transaction. Learjet Inc. will purchase the bonds; bonds will not be offered to the public. Learjet has complied with the Standard Conditions contained in the City’s IRB Policy.

Financial Considerations: Bombardier Learjet agrees to pay all costs of issuing the bonds and agrees to pay the City’s \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% tax abatement of ad valorem property taxes on the expansion project. Bond-financed purchases are also exempt from state and local sales tax. Based on the 2008 mill levy, the estimated tax value of exempted real property for the first full year is approximately \$70,739. This is based on estimated real property improvements of approximately \$2,400,000.

The value of a 100% real property tax exemption as applicable to taxing jurisdictions, ***based on 2008 mill levies, is as follows:***

City	\$	19,234	State	\$	900
County	\$	18,226	USD 259	\$	32,379

The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects costs/benefit ratios as follows:

City <i>overall</i>	49.62 2.17 to one
City <i>General Fund</i>	1.24 to one
County	33.05 1.86 to one
USD 259	1.00 to one
State	48.09 46.79 to one

Goal Impact: Economic Vitality and Affordable Living. Providing tax abatements to manufacturing businesses helps stabilize the economic base of the community and ensures a steady supply of quality jobs.

Legal Considerations: The City's bond counsel has prepared documents needed for the issuance of bonds. The City Attorney's Office will review and approve as to form the bond documents prior to the issuance of any bonds.

Recommendations/Actions: It is recommended that the City Council close the public hearing and place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds for Learjet, Inc. in the amount not-to-exceed \$4,900,000, and authorize necessary signatures.

Attachments: Bond Ordinance

ORDINANCE NO. 48-577

AN ORDINANCE AUTHORIZING THE CITY OF WICHITA, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,900,000 FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE INSTALLATION OF IMPROVEMENTS TO CERTAIN EXISTING AVIATION MANUFACTURING AND FLIGHT TESTING FACILITIES AS WELL AS TO FINANCE THE ACQUISITION OF CERTAIN MACHINERY AND EQUIPMENT FOR SUCH FACILITIES LOCATED IN THE CITY OF WICHITA, KANSAS; PRESCRIBING THE FORM AND AUTHORIZING EXECUTION OF A SIXTEENTH SUPPLEMENTAL TRUST INDENTURE BY AND BETWEEN THE CITY AND THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., ST. LOUIS, MISSOURI (THE "TRUSTEE"), AS TRUSTEE WITH RESPECT TO THE BONDS; PRESCRIBING THE FORM AND AUTHORIZING THE EXECUTION OF A SIXTEENTH SUPPLEMENTAL LEASE BY AND BETWEEN LEARJET INC. AND THE CITY; APPROVING THE FORM OF A GUARANTY AGREEMENT; AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT BY AND BETWEEN THE CITY AND LEARJET INC., AS PURCHASER OF THE BONDS.

WHEREAS, the City of Wichita, Kansas (the "Issuer") is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct, install and equip certain improvements and additions (as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any persons, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities and to refund such revenue bonds previously issued; and

WHEREAS, pursuant to the Act, the Issuer's Governing Body has heretofore: (1) expressed its intent to issue Taxable Industrial Revenue Bonds (Learjet Inc.), in the original aggregate principal amount not to exceed \$86,000,000, pursuant to a Letter of Intent dated September 10, 1996; and (2) expressed its intent to issue Taxable Industrial Revenue Bonds (Learjet Inc.), in the original aggregate principal amount not to exceed an additional \$79,188,000, pursuant to a Letter of Intent dated November 16, 2007 (collectively, the "Letter of Intent"); all for the purpose of paying the cost of constructing, installing and equipping an expansion and improvements to existing aviation manufacturing and flight testing facilities (the "Project"); and

WHEREAS, pursuant to various ordinances of the Issuer, the Issuer has heretofore authorized the issuance of fifteen series of such taxable industrial revenue bonds, in the original aggregate principal amount of \$98,849,181.51 (the "Outstanding Bonds"), for the purpose of constructing, equipping and installing portions of the Project; and

WHEREAS, in connection with the issuance of the Outstanding Bonds, the Issuer has heretofore authorized (i) the execution and delivery of a Trust Indenture dated as of

December 1, 1996, as supplemented and amended from time to time in accordance with the provisions thereof and together with the herein authorized Sixteenth Supplemental Indenture (the “Indenture”) with The Bank of New York Mellon Trust Company, N.A., St. Louis, Missouri (as successor to INTRUST Bank, N.A., Wichita, Kansas), as trustee (the “Trustee”), for the purpose of issuing and securing the Outstanding Bonds and any Additional Bonds (as defined therein), and (ii) the execution and delivery of a Lease Agreement dated as of December 1, 1996, as supplemented and amended from time to time in accordance with the provisions thereof and together with the herein authorized Sixteenth Supplemental Lease (the “Lease”), by and between the Issuer, as lessor, and Learjet Inc., a Delaware corporation duly qualified to do business in the State of Kansas (the “Tenant”), as lessee, under which the proceeds of the Outstanding Bonds were used to pay a portion of the costs of the Project; and

WHEREAS, the Issuer has heretofore and does hereby find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue a sixteenth series of its taxable industrial revenue bonds to be designated “City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series VII, 2009 (Learjet Inc.)” in the original aggregate principal amount not to exceed \$4,900,000 (the “Series VII, 2009 Bonds”), for the purpose of installing the improvements to certain existing aviation manufacturing and flight testing facilities, as well as to acquire certain machinery and equipment for the Project (the “Series VII, 2009 Additions”); and

WHEREAS, the Series VII, 2009 Bonds are more fully described in the Sixteenth Supplemental Indenture and the Sixteenth Supplemental Lease hereinafter authorized; and

WHEREAS, the Series VII, 2009 Bonds and the interest thereon shall not constitute an indebtedness of the Issuer within the meaning of any constitutional provision or statutory limitation, shall not constitute nor give rise to a pecuniary liability of the Issuer, nor shall any Series VII, 2009 Bond or the interest thereon be a charge against the general credit or taxing powers of the Issuer; and

WHEREAS, the Series VII, 2009 Bonds are not general obligations of the Issuer and are payable solely from certain fees, rentals, revenues and other amounts derived by the Issuer pursuant to the Lease, as the same may be further amended and supplemented and, under certain circumstances, from the proceeds of the Series VII, 2009 Bonds and insurance and condemnation awards; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Series VII, 2009 Bonds (i) to execute and deliver a Sixteenth Supplemental Trust Indenture dated as of December 1, 2009 (the “Sixteenth Supplemental Indenture”), for the purpose of issuing and securing the Series VII, 2009 Bonds as provided therein; and (ii) to enter into a Sixteenth Supplemental Lease dated as of December 1, 2009 (the “Sixteenth Supplemental Lease”), pursuant to which the Issuer shall cause the Series VII, 2009 Additions to be leased to the Tenant in consideration of payments of Series VII, 2009 Supplemental Basic Rent, Series VII, 2009 Supplemental Additional Rent and other charges provided for therein.

WHEREAS, the Series VII, 2009 Bonds shall be equally and ratably secured and on a parity with the Outstanding Bonds and any Additional Bonds (collectively referred to hereinafter as the “Bonds”) subject to any partial redemption or release of pledged property permitted by the Lease or Indenture; and

WHEREAS, the Trustee has certified that the 1996 Bonds, the 1997 Bonds and the 1998 Bonds have been paid in full and no 1996 Bonds, 1997 Bonds or 1998 Bonds remain Outstanding; and

WHEREAS, the Company desires to exercise its option to purchase that portion of the Project financed with the 1996 Bonds, the 1997 Bonds and the 1998 Bonds; and

WHEREAS, the City hereby waives the notice provisions of the Lease Agreement dated as of December 1, 1996 (the “Lease Agreement”) with respect to the Company’s exercise of its option to purchase the 1996 Project and finds and determines it necessary and desirable to execute a Bill of Sale conveying the 1996 Project to the Company and to release the 1996 Project from the Lease and from the pledge of the Indenture; and

WHEREAS, the City hereby waives the notice provisions of the First Supplemental Lease dated as of December 1, 1997 (the “First Supplemental Lease”) with respect to the Company’s exercise of its option to purchase the 1997 Additions and find and determines it necessary and desirable to execute a Bill of Sale conveying the 1997 Additions to the Company and to release the 1997 Additions from the Lease and from the pledge of the Indenture; and

WHEREAS, the City hereby waives the notice provisions of the Second Supplemental Lease dated as of December 1, 1998 (the “Second Supplemental Lease”) with respect to the Company’s exercise of its option to purchase the 1998 Additions and find and determines it necessary and desirable to execute a Bill of Sale conveying the 1998 Additions to the Company and to release the 1998 Additions from the Lease and from the pledge of the Indenture; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Indenture and Lease.

Section 2. Authority to Cause the Series VII, 2009 Additions to be Constructed, Installed and Equipped. The governing body of the Issuer hereby declares that the Series VII, 2009 Additions, if in being, would promote the welfare of the City of Wichita, Kansas, and the Issuer is hereby authorized to cause the Series VII, 2009 Additions to be constructed, installed and equipped all in the manner and as more particularly described in the Sixteenth Supplemental Indenture and in the Sixteenth Supplemental Lease hereinafter authorized.

Section 3. Authorization of and Security for the Series VII, 2009 Bonds. There is hereby authorized and directed to be issued a series of the Issuer’s taxable industrial revenue bonds in an original aggregate principal amount not to exceed \$4,900,000 for the purpose of installing the improvements to certain existing aviation manufacturing and flight testing facilities and additions, as well as acquiring certain machinery and equipment to the existing facilities

located in the City of Wichita, Kansas, such series of such taxable industrial revenue bonds to be designated "City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series VII, 2009 (Learjet Inc.)." The Series VII, 2009 Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The Series VII, 2009 Bonds shall be equally and ratably secured and on a parity with the Outstanding Bonds and any Additional Bonds, subject to any partial redemption or release of pledged property permitted by the Lease or Indenture. The Series VII, 2009 Bonds shall be special limited obligations of the Issuer payable solely from the revenues derived by the Issuer pursuant to the Lease, or otherwise in connection with the Project. The Series VII, 2009 Bonds shall not be general obligations of or constitute a pledge of the faith and credit of the Issuer within the meaning of any constitutional or statutory provision and shall not be payable in any manner from tax revenues. The Series VII, 2009 Bonds shall be secured under the provisions of the Indenture and are authorized hereby.

Section 4. Authorization of Sixteenth Supplemental Indenture. The Issuer is hereby authorized to enter into the Sixteenth Supplemental Indenture dated as of December 1, 2009, by and between the Issuer and The Bank of New York Mellon Trust Company, N.A., St. Louis, Missouri, as trustee (the "Trustee"), under which the Issuer shall pledge and assign to the Trustee, for the benefit of the holders of the Bonds, the Trust Estate referenced herein, all upon the terms and conditions set forth in the Indenture.

Section 5. Lease of the Series VII, 2009 Additions. The Issuer shall cause the Series VII 2009 Additions to be leased by the Issuer to the Tenant pursuant to and in accordance with the provisions of the Sixteenth Supplemental Lease dated as of December 1, 2009, by and between the Issuer and the Tenant.

Section 6. Authorization of Bond Purchase Agreement. The Series VII, 2009 Bonds shall be sold and delivered to Learjet Inc., upon the terms and subject to the provisions of the Bond Purchase Agreement herein authorized dated as of December 1, 2009 (the "Bond Purchase Agreement"), by and between the Issuer and Learjet Inc., as purchaser.

Section 7. Approval of Guaranty Agreement. The form of Guaranty Agreement, dated as of December 1, 2009, pursuant to which the Tenant guarantees to the Trustee, for the benefit of the Owners of the Series VII, 2009 Bonds, the full and prompt payment of the principal of, redemption premium, if any, and interest on the Series VII, 2009 Bonds, is hereby approved.

Section 8. Authorization of Bill of Sale. The City is hereby authorized to deliver a Bill of Sale conveying the 1996 Project, the 1997 Additions and the 1998 Additions from the City to the Tenant.

Section 9. Execution of Series VII, 2009 Bonds and Agreements. The Mayor of the Issuer is hereby authorized and directed to execute the Series VII, 2009 Bonds and deliver the same to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor or Vice Mayor is hereby further authorized and directed to execute and deliver the Sixteenth Supplemental Indenture, the Sixteenth

Supplemental Lease and the Bond Purchase Agreement for and on behalf of and as the act and deed of the Issuer with such minor corrections or amendments thereto as the Mayor or Vice Mayor shall approve (which approval shall be evidenced by his or her execution thereof) and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The City Clerk and any Deputy City Clerk of the Issuer are hereby authorized and directed to attest the execution of the Series VII, 2009 Bonds, the Sixteenth Supplemental Indenture, the Sixteenth Supplemental Lease and the Bond Purchase Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 10. Pledge of the Project. The Issuer hereby pledges the Series VII, 2009 Additions and the net revenues therefrom to the payment of the Outstanding Bonds in accordance with K.S.A. 12-1744. The lien created by such pledge shall be discharged when all of the Series VII, 2009 Bonds shall be deemed to have been paid within the meaning of the Indenture, as the same may be amended.

Section 11. Further Authority. The Issuer shall, and the officers, agents and employees of the Issuer are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Series VII, 2009 Bonds, the Sixteenth Supplemental Indenture, the Sixteenth Supplemental Lease and the Bond Purchase Agreement all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 12. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City of Wichita, Kansas and publication once in the official newspaper of the Issuer.

PASSED by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on December 15, 2009.

CITY OF WICHITA, KANSAS,
as Issuer

By: _____
Carl Brewer
Mayor

ATTEST:

By: _____
Karen Sublett
City Clerk

Approved as to form:

By: _____
Gary E. Rebenstorf
City Attorney

**City of Wichita
City Council Meeting
December 8, 2009**

TO: Mayor and City Council

SUBJECT: Consider County Request for Arena Exemptions (District I)

INITIATED BY: Law Department

AGENDA: New Business

Recommendation: Adopt a resolution approving limited County home rule power exercised on the Arena site.

Background: Because of its location within the City limits, the Intrust Bank Arena would be subject to certain regulatory requirements stemming from City Code which have not applied to operations at the Coliseum. These requirements include City controls over sale and consumption of alcoholic beverages, entertainment production venues, and sales by itinerant merchants. At the time of preparation of this report, the County has on its agenda a request for the City to allow the County to exempt the Arena property from these limited areas of City regulation. In order to consider such a request and act on it prior to the opening of the Arena, this nearly simultaneous consideration is required.

Analysis: Alcohol regulation is not dependent on City licensure requirements. The State of Kansas also provides for enforcement of its own liquor laws regarding consumption, overconsumption, underage drinking and sales to minors. Although County Sheriff's deputies, which will provide Arena security, cannot enforce city ordinances, they can enforce state law. Exempting the Arena site from City alcohol regulation will allow County deputies to be responsible for all law enforcement activities on that property without the confusion created by limited enforcement jurisdiction. Deputies will still be able to call upon Wichita Police Department officers for backup as needed. The entertainment licenses for the performance producers, and the vendors they bring in tow, would not produce income sufficient to justify regulation of individuals already subject to operating agreements with the Arena management firm. Moreover, eliminating these fees, and the administrative burden they represent, will favorably impact the booking of entertainment acts for the Arena. This action would also place the Arena on the same footing as Century II, as the City has waived such fees for acts appearing there.

Financial Considerations: The City would be waiving the annual permit fees it would ordinarily obtain from the anticipated licensing activities. The estimated lost licensing fees are less than \$1,000.

Goal Impact: This action would advance the economic vitality, core area and neighborhoods and quality of life goals promoted by the contribution to the local job market, property value improvement and the culture and entertainment options a successful Arena represents.

Legal Considerations: A resolution from the Board of County Commissioners to allow limited exercise of county home rule on properties within the city limits is specifically authorized by state statute. The request presented here meets those statutory requirements. A City Council resolution is the appropriate form of responsive action.

Recommendations/Actions: Adopt the resolution authorizing the requested exemption.

Attachment: a) Draft County Resolution, the final version of which should be passed before this item is

considered. b) City Council Resolution Approving the Exercise of Limited County Home Rule.

Resolution Number 09-374

A RESOLUTION TO ALLOW THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY TO EXERCISE LIMITED HOME RULE AUTHORITY TO REGULATE THE OPERATION OF THE INTRUST BANK ARENA.

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas have presented The City of Wichita, by resolution, with a request that it be allowed to exercise home rule authority within the City limits of the City of Wichita, and

WHEREAS, that request is limited in its scope to the property and improvements known as the Intrust Bank Arena, which will be owned and operated by the County and located in the center of a revitalizing area of downtown Wichita, the center city of Sedgwick County; and

WHEREAS, the request is further limited to exemption from City requirements related to alcohol enforcement, itinerant merchants, and entertainment licenses, and under the circumstances that will exist, these certain provisions in the Wichita Code will not be necessary for the operation of the Arena in a manner that promotes the public health, safety and welfare; and

WHEREAS, under K.S.A. 19-101a(a)(4), the County may exercise its home rule powers in any manner that would not impair or supersede the exercise of the City's home rule powers if the City grants its consent;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA ON THIS 8TH DAY OF DECEMBER, 2009 that,

- 1) The County is granted permission, upon its request pursuant to K.S.A. 19-101a(a)(4), to exercise county home rule powers within the property lines of the property owned by the County and platted as the Sedgwick County Arena Addition, Wichita, Kansas, where the Intrust Bank Arena is located, for such time as the County operates said Arena; and
- 2) The permission granted to the County is further limited to the exercise of its county home rule powers in the following areas:
 - a) To exempt the Intrust Bank Arena property from application of Title 4 Intoxicating Liquors and Beverages in the Wichita City Code

- b) To exempt the Intrust Bank Arena property from the application of Chapter 3.30 Entertainment Establishments in the Wichita City Code
- c) To exempt the Intrust Bank Arena property from the application of Chapter 3.95 Itinerant Merchants in the Wichita City Code.

ADOPTED AT WICHITA, KANSAS BY THE GOVERNING BODY OF THE CITY OF WICHITA ON THIS 8TH DAY OF DECEMBER, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF, DIRECTOR OF LAW
AND CITY ATTORNEY

RESOLUTION 198 - 2009

A RESOLUTION PURSUANT TO K.S.A. 19-101A(A)(4) REQUESTING THE CITY OF WICHITA CONSENT TO THE LIMITED EXERCISE OF COUNTY HOME RULE POWERS WITHIN THE BOUNDARIES OF THE COUNTY OWNED SITE FOR THE INTRUST BANK ARENA

WHEREAS, the County and City have agreed that a significant aspect of the redevelopment of downtown Wichita is the construction of the Intrust Bank Arena (hereinafter "the Arena"), a modern, first-class, sports and entertainment venue with a 15,000 seat capacity (for basketball) and 20 executive and two party suites designed to provide maximum "fan experience" for all guests; and

WHEREAS, the Arena will be owned and operated by the County and located in the center of a revitalizing area of downtown Wichita, the center city of Sedgwick County; and

WHEREAS, the Arena will be in an area generally bordered by William on the north, Waterman on the south, the Burlington Northern-Santa Fe tracks on the east, and Emporia on the west, and is further described as platted as the Sedgwick County Arena Addition, Wichita, Kansas; and

WHEREAS, there are certain provisions in the Wichita Code that are not necessary for the operation of the Arena in a manner that promotes the public health, safety and welfare; and

WHEREAS, under K.S.A. 19-101a(a)(4), the County cannot exercise its home rule powers in any manner that would impair or supersede the exercise of the City's home rule powers without the consent of the City; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the County requests the City of Wichita consent to allowing the Board of County Commissioners to exercise its county home rule powers within the following parameters:

- 1) The County is only requesting the consent to exercise county home rule powers within the property lines of the property owned by the County and platted as the Sedgwick County Arena Addition, Wichita, Kansas, where the Intrust Bank Arena is located.

2) The County is only requesting consent to exercise its home rule powers in the following areas:

- a) To exempt the Intrust Bank Arena property from application of Title 4 Intoxicating Liquors and Beverages in the Wichita City Code
- b) To exempt the Intrust Bank Arena property from the application of Chapter 3.30 Entertainment Establishments in the Wichita City Code
- c) To exempt the Intrust Bank Arena property from the application of Chapter 3.95 Itinerant Merchants in the Wichita City Code

The County Manager is directed to send a copy of this resolution to the City Clerk and City Manager immediately after adoption by the Board.

Commissioners present and voting were:

DAVID M. UNRUH
TIM R. NORTON
KARL PETERJOHN
KELLY PARKS
GWEN WELSHIMER

Aye
Absent
Aye
Aye
Aye

Dated this 2nd day of December, 2009.

ATTEST:

J. B. Arnold
J. B. ARNOLD, County Clerk



PROVED AS TO FORM:

Richard A. Euson
RICHARD A. EUSON
County Counselor

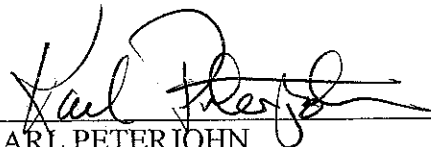
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Kelly Parks
KELLY PARKS, Chairman
Commissioner, Fourth District

Gwen Welshimer
GWEN WELSHIMER, Chair Pro Tem
Commissioner, Fifth District

David M. Unruh
DAVID M. UNRUH
Commissioner, First District

Absent
TIM R. NORTON
Commissioner, Second District



KARL PETERJOHN
Commissioner, Third District

City of Wichita
City Council Meeting
December 8, 2009

TO: Mayor and City Council

SUBJECT: Multi-Use Path to connect McAdams Park and Grove Park (Districts I & VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the design concept and revised budget.

Background: On July 1, 2008, the City Council approved funding to design a multi-use path along I-135 Freeway and the K-96 Freeway to connect McAdams Park and Grove Park. On October 28, 2008, the City Council approved a design agreement with Ruggles & Bohm. On March 10, 2009, the City Council approved a supplemental agreement with Ruggles & Bohm to advance the plan completion date to qualify for American Recover and Reinvestment (ARRA) funding. The project was submitted by Public Works in March 2009 for ARRA bike path funding but was not selected. Public Works then worked with Environmental Health and reapplied under Energy Efficiency and Conservation Block Grants and was awarded a grant in the amount of \$1,598,574. On November 2, 2009, District Advisory Boards I & VI sponsored neighborhood hearings on the project. District I Advisory Board voted 8-0 to recommend approval of the revised alignment. District VI Advisory Board voted 7-1 to recommend approval on the same proposed project.

Analysis: The Wichita Area Metropolitan Planning Organization (WAMPO) Regional Pathway System Plan was approved and adopted by WAMPO policy body on September 11, 2007. The Regional Pathway Plan was presented at the City Council Workshop on July 28, 2009. The original design concept of the Pathway Plan was to construct the path along the west side of the I-135 Freeway from near 17th Street North to a tunnel crossing under I-135 at about 27th Street North. A route thru an industrial area on the west side of I-135 and thru a tunnel was eventually deemed not as beneficial as a route on the east side of I-135. Security reasons associated with the future Heartland Preparedness Center also was a factor to revise the route. The revised design concept is to construct the path along the east side of I-135 to and along 21st Street North to Opportunity Drive. The path will continue west on 25th Street North, back to I-135, then north and east to connect to Grove Park

Financial Considerations: The existing design budget is \$125,000 with the total paid by City General Obligation bonds. An additional \$200,000 is needed to modify the construction plans and to acquire right-of-way. Funding source for the revised total budget of \$325,000 is General Obligation bonds. The additional cost is included in the Proposed 2009-2018 Capital Improvement Program. The project will be returned to the City Council at a future date for approval of the federal grant and the City's share of construction funding.

Goal Impact: This project addresses the Efficient Infrastructure goal by constructing a multi-use path for bike riders and pedestrians.

Legal Considerations: The Law Department has approved the amending resolution as to legal form.

Recommendation/Action: It is recommended that the City Council approve the design concept, approve the revised budget, adopt the amending resolution and authorize the signing of state/federal agreements as required.

Attachments: Map, CIP sheet and amending resolution.

RESOLUTION NO. 09-371

A RESOLUTION AMENDING RESOLUTION NO. 09-171 AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE TO DESIGN A BIKE PATH ALONG THE I-135 FREEWAY BETWEEN MCADAMS PARK AND GROVE PARK (472-84740).

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 1 of resolution 09-171 is hereby amended as follows:

“SECTION 1. SECTION 2 of Resolution 08-351 is hereby amended to read as follows:

SECTION 2. The costs of the design of the above described improvements is estimated to be Three Hundred Twenty-Five Thousand Dollars (\$325,000) exclusive of the cost of interest on borrowed money, with the total paid by the City of Wichita. Said City cost, when ascertained, shall be borne by the City of Wichita at large by the issuance of General Obligation Bonds.”

SECTION 2. The original of SECTION 1 of Resolution No. 09-171 is hereby rescinded.

SECTION 3. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, 8th day of December, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gary E. Rebenstorf
Director of Law



CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

To Revise Project

	X
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1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.


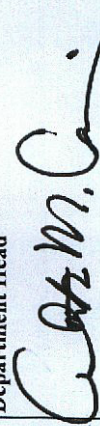
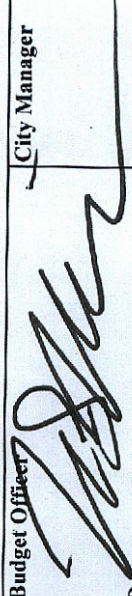
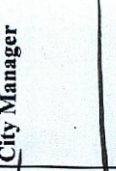
1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 11/17/2009	4. Project Description & Location Multi-Use Path, from McAdams Park to Grove Park	
5. CIP Project Number P-	6. Accounting Number	7. CIP Project Date (Year) 2009	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date		11. Project Revised	
As Required	As Required			
12. Project Cost Estimate				
ITEM	GO	SA	ARRA	TOTAL
Right of Way				
Paving, grading & const.				
Bridge & Culverts				
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Multi-Use Path	\$325,000			\$325,000
Totals	\$325,000			\$325,000
Total CIP Amount Budgeted				472-84740
Total Prelim. Estimate				

Platting Required	Yes	No
Lot Split		
Petition		
Ordered by WCC	X	

Remarks:

\$125,000 previously approved for design

13. Recommendation: Approve the design concept, revised budget and amending resolution

Division Head 	Department Head 	Budget Officer 	City Manager 
		Date	Date

City of Wichita
City Council Meeting
December 8, 2009

TO: Mayor and City Council

SUBJECT: Year-end Salary and Classification Ordinances

INITIATED BY: Human Resources

AGENDA: New Business

Recommendation: Approve the amended ordinances and place them on first reading.

Background: Classification Ordinances establish employee job classifications and corresponding pay ranges. Salary Ordinances establish pay rates, and must be revised for any changes in pay rates or salary ranges. Revisions to the Ordinances are typically combined and presented for consideration.

Analysis:

The changes proposed to the four ordinances, effective December 26, 2009, are listed in the attached Salary & Classification Ordinance Revisions. The affected ordinances are also attached. Deletions are shown by cross outs; other revisions are bolded.

Financial Considerations: The cost of the revisions to Section 1 of the Non-exempt Employee Salary Ordinance is already incorporated into the 2010 budget. The only General Pay Adjustment increase is the 3% for employees represented by Teamster's Local #795 at Wichita Transit, as specified in the current bargaining agreement (effective on December 15, 2007). There are no General Pay Adjustments in other Section of this ordinance.

Negotiations with Teamster-represented Airport Safety (Section 4) and FOP-represented Police Department (Section 5) bargaining units are not concluded.

There are no General Pay Adjustments to the Exempt Employee Salary Ordinance.

There are no costs to the changes to the Classification Ordinances. These revisions reduce the total number of classifications by ten, from 300 to 290.

Goal Impact: As a human resources and financial issue, goal impact falls under Internal Perspective.

Legal Considerations: The Department of Law has reviewed the ordinance and approved as to form.

Recommendations/Actions: *It is recommended that the City Council adopt the ordinance and place it on first reading.*

ORDINANCE NO. 48-567
Non-exempt Salary

AN ORDINANCE PROVIDING FOR A UNIFORM SCHEDULE OF STANDARD PAY RANGES FOR NON-EXEMPT EMPLOYEES OF THE CITY OF WICHITA, REPEALING ORDINANCE NO. 48-178

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA:

SECTION 1. A schedule of standard pay ranges established for classifications in *Wichita Transit* represented by Teamsters Union Local #795, and in which employees are treated as non-exempt from the overtime provisions of the FLSA.

SCHEDULE OF STANDARD PAY RANGES IN HOURLY AMOUNTS
December 13, 2008 – December 25, 2009

Range	A	B	C	D	E	F	G
312	\$9.9642	\$10.2132	\$10.4684	\$10.7302	\$10.9984	\$11.2734	\$11.5553
314	\$11.3172	\$11.6001	\$11.8902	\$12.1874	\$12.4920	\$12.8044	\$13.1245
315	\$11.3172	\$11.6001	\$11.8902	\$12.1874	\$12.4920	\$12.8044	\$13.1245
316	\$11.8230	\$12.1185	\$12.4214	\$12.7321	\$13.0503	\$13.3765	\$13.7111
317	\$12.6691	\$12.9858	\$13.3104	\$13.6432	\$13.9842	\$14.3339	\$14.6922
320	\$14.5296	\$14.8928	\$15.2651	\$15.6467	\$16.0380	\$16.4389	\$16.8498

Range	H	I	J	K	L	M	N	O
312	\$11.8441	\$12.1402	\$12.4437	\$12.7548	\$13.0736	\$13.4006	\$13.7356	\$14.0790
314	\$13.4525	\$13.7890	\$14.1335	\$14.4870	\$14.8490	\$15.2205	\$15.6010	\$15.9910
315	\$13.4525	\$13.7890	\$14.1335	\$14.4870	\$14.8490	\$15.2205	\$15.6010	\$15.9910
316	\$14.0537	\$14.4051	\$14.7653	\$15.1345	\$15.5128	\$15.9006	\$16.2981	\$16.7056
317	\$15.0597	\$15.4360	\$15.8219	\$16.2175	\$16.6229	\$17.0385	\$17.4644	\$17.9011
320	\$17.2710	\$17.7028	\$18.1455	\$18.5991	\$19.0639	\$19.5407	\$20.0292	\$20.5299

December 26, 2009 – December 24, 2010

Range	A	B	C	D	E	F	G
312	\$10.2631	\$10.5196	\$10.7825	\$11.0521	\$11.3284	\$11.6116	\$11.9019
314	\$11.6567	\$11.9481	\$12.2469	\$12.5531	\$12.8668	\$13.1885	\$13.5183
315	\$11.6567	\$11.9481	\$12.2469	\$12.5531	\$12.8668	\$13.1885	\$13.5183
316	\$12.1777	\$12.4821	\$12.7941	\$13.1140	\$13.4418	\$13.7778	\$14.1224
317	\$13.0492	\$13.3754	\$13.7097	\$14.0525	\$14.4037	\$14.7639	\$15.1330
320	\$14.9655	\$15.3396	\$15.7231	\$16.1161	\$16.5192	\$16.9321	\$17.3553

Range	H	I	J	K	L	M	N	O
312	\$12.1994	\$12.5044	\$12.8170	\$13.1375	\$13.4658	\$13.8026	\$14.1476	\$14.5013
314	\$13.8561	\$14.2027	\$14.5576	\$14.9216	\$15.2945	\$15.6771	\$16.0690	\$16.4708
315	\$13.8561	\$14.2027	\$14.5576	\$14.9216	\$15.2945	\$15.6771	\$16.0690	\$16.4708
316	\$14.4754	\$14.8373	\$15.2083	\$15.5885	\$15.9782	\$16.3776	\$16.7871	\$17.2067
317	\$15.5115	\$15.8991	\$16.2966	\$16.7040	\$17.1216	\$17.5496	\$17.9884	\$18.4381
320	\$17.7892	\$18.2339	\$18.6899	\$19.1570	\$19.6358	\$20.1269	\$20.6301	\$21.1458

SECTION 2. A schedule of standard pay ranges established for positions in which employees are treated as non-exempt from the overtime provisions of the FLSA.

**SCHEDULE OF STANDARD PAY RANGES IN HOURLY AMOUNTS
December 26, 2009 – December 24, 2010**

Range	A	B	C	D	E	F	G
602	7.3250	7.5082	7.6959	7.8883	8.0855	8.2876	8.4948
606	7.9936	8.1934	8.3983	8.6082	8.8234	9.0440	9.2701
607	8.2977	8.5051	8.7178	8.9357	9.1591	9.3881	9.6228
608	8.6204	8.8359	9.0568	9.2833	9.5153	9.7532	9.9971
609	8.9723	9.1966	9.4265	9.6622	9.9037	10.1513	10.4051
610	9.3406	9.5741	9.8134	10.0588	10.3102	10.5680	10.8322
611	9.7134	9.9562	10.2051	10.4603	10.7218	10.9898	11.2646
612	10.1304	10.3837	10.6432	10.9093	11.1821	11.4616	11.7482
613	10.5532	10.8170	11.0874	11.3646	11.6487	11.9399	12.2384
614	11.0115	11.2868	11.5690	11.8582	12.1547	12.4585	12.7700
615	11.5022	11.7898	12.0845	12.3866	12.6963	13.0137	13.3391
616	12.0150	12.3154	12.6233	12.9389	13.2623	13.5939	13.9337
617	12.5606	12.8746	13.1965	13.5264	13.8646	14.2112	14.5665
618	13.1401	13.4686	13.8053	14.1504	14.5042	14.8668	15.2384
619	13.7545	14.0983	14.4508	14.8121	15.1824	15.5619	15.9510
620	14.3900	14.7498	15.1185	15.4965	15.8839	16.2810	16.6880
621	15.0888	15.4661	15.8527	16.2490	16.6553	17.0716	17.4984
622	15.8184	16.2139	16.6192	17.0347	17.4606	17.8971	18.3445
623	16.5855	17.0001	17.4251	17.8607	18.3072	18.7649	19.2341
624	17.4113	17.8466	18.2928	18.7501	19.2188	19.6993	20.1918
625	18.2785	18.7354	19.2038	19.6839	20.1760	20.6804	21.1974
626	19.1987	19.6787	20.1707	20.6749	21.1918	21.7216	22.2647
627	20.1743	20.6786	21.1956	21.7255	22.2686	22.8253	23.3960

Range	H	I	J	K	L	M	N	O
602	8.7072	8.9248	9.1480	9.3767	9.6111	9.8513	10.0976	10.3501
606	9.5019	9.7394	9.9829	10.2325	10.4883	10.7505	11.0192	11.2947
607	9.8634	10.1099	10.3627	10.6218	10.8873	11.1595	11.4385	11.7244
608	10.2470	10.5032	10.7657	11.0349	11.3108	11.5935	11.8834	12.1804
609	10.6653	10.9319	11.2052	11.4853	11.7724	12.0668	12.3684	12.6776
610	11.1030	11.3806	11.6651	11.9567	12.2556	12.5620	12.8761	13.1980
611	11.5462	11.8348	12.1307	12.4340	12.7448	13.0634	13.3900	13.7248
612	12.0419	12.3429	12.6515	12.9678	13.2920	13.6243	13.9649	14.3140
613	12.5444	12.8580	13.1794	13.5089	13.8467	14.1928	14.5476	14.9113
614	13.0893	13.4165	13.7519	14.0957	14.4481	14.8093	15.1795	15.5590
615	13.6725	14.0144	14.3647	14.7238	15.0919	15.4692	15.8560	16.2524
616	14.2821	14.6391	15.0051	15.3802	15.7647	16.1589	16.5628	16.9769
617	14.9306	15.3039	15.6865	16.0786	16.4806	16.8926	17.3149	17.7478
618	15.6194	16.0099	16.4101	16.8204	17.2409	17.6719	18.1137	18.5666
619	16.3497	16.7585	17.1774	17.6069	18.0471	18.4982	18.9607	19.4347
620	17.1052	17.5329	17.9712	18.4205	18.8810	19.3530	19.8368	20.3328
621	17.9359	18.3843	18.8439	19.3150	19.7979	20.2928	20.8001	21.3201
622	18.8031	19.2732	19.7550	20.2489	20.7551	21.2740	21.8059	22.3510
623	19.7149	20.2078	20.7130	21.2308	21.7616	22.3056	22.8632	23.4348
624	20.6966	21.2140	21.7444	22.2880	22.8452	23.4163	24.0017	24.6017
625	21.7274	22.2706	22.8273	23.3980	23.9829	24.5825	25.1971	25.8270
626	22.8213	23.3918	23.9766	24.5760	25.1904	25.8202	26.4657	27.1273
627	23.9809	24.5804	25.1949	25.8248	26.4704	27.1322	27.8105	28.5057

SECTION 3. A schedule of standard pay ranges established for professional positions in which employees are treated as non-exempt from the overtime provisions of the FLSA.

**SCHEDULE OF STANDARD PAY RANGES IN HOURLY AMOUNTS
December 26, 2009 – December 24, 2010**

Range	A	B	C	D	E	F	G
926	19.1987	19.6787	20.1708	20.6750	21.1919	21.7215	22.2647
927	20.1743	20.6786	21.1956	21.7255	22.2686	22.8253	23.3959
928	21.1830	21.7127	22.2555	22.8119	23.3822	23.9667	24.5658
929	22.2423	22.7982	23.3682	23.9523	24.5512	25.1651	25.7941

Range	H	I	J	K	L	M	N	O
926	22.8218	23.3918	23.9766	24.5760	25.1904	25.8202	26.4657	27.1273
927	23.9809	24.5804	25.1949	25.8248	26.4704	27.1321	27.8104	28.5057
928	25.1801	25.8095	26.4547	27.1161	27.7941	28.4889	29.2011	29.9311
929	26.4390	27.0999	27.7775	28.4719	29.1838	29.9133	30.6611	31.4277

SECTION 4. A schedule of standard pay ranges established for Airport Safety positions in which employees are treated as non-exempt from the overtime provisions of the FLSA.

**SCHEDULE OF STANDARD PAY RANGES IN HOURLY AMOUNTS
December 26, 2009 – December 24, 2010**

Range	A	B	C	D	E	F	G
691*							
24 Hour Shift	12.0518	12.3530	12.6619	12.9785	13.3030	13.6355	13.9763
40 Hour Week	16.8725	17.2943	17.7266	18.1698	18.6240	19.0896	19.5669
692*							
24 Hour Shift	13.2569	13.5883	13.9281	14.2764	14.6331	14.9990	15.3739
40 Hour Week	18.5597	19.0236	19.4993	19.9868	20.4864	20.9986	21.5236

Range	H	I	J	K	L	M	N	O
691*								
24 Hour Shift	14.3258	14.6839	15.0510	15.4273	15.8129	16.2082	16.6134	17.0287
40 Hour Week	20.0560	20.5574	21.0714	21.5981	22.1381	22.6916	23.2588	23.8402
692*								
24 Hour Shift	15.7583	16.1523	16.5560	16.9700	17.3943	17.8291	18.2747	18.7318
40 Hour Week	22.0617	22.6132	23.1785	23.7580	24.3520	24.9606	25.5847	26.2244

* Hourly rates in this pay range that are designated "24-Hour Shift" are for **airport safety** positions assigned to work 24-hour shifts with schedules based on a 27-day work period. The rates designated "40-Hour Week" are provided to accommodate the need to assign an employee in a position classification assigned to one of these ranges to a duty requiring that work be performed during a 40-hour per week schedule.

SECTION 5. A schedule of standard pay ranges established for commissioned and non-commissioned positions in the Police Department that are treated as non-exempt from the overtime provisions of the FLSA.

December 26, 2009 – December 24, 2010

Range	A	B	C	D	E	F	G
710	14.9835	15.3581	15.7421	16.1356	16.5390	16.9525	17.3763
711	15.8815	16.2785	16.6854	17.1026	17.5301	17.9684	18.4176
712	16.9054	17.3280	17.7612	18.2053	18.6604	19.1269	19.6051
714	18.1161	18.5690	19.0332	19.5090	19.9968	20.4967	21.0091
722	19.0770	---	---	---	---	---	---
723	19.9759	20.4753	20.9871	21.5118	22.0496	22.6009	23.1659
724	21.9461	22.4947	23.0571	23.6335	24.2243	24.8300	25.4507
725*	24.1341	24.7374	25.3558	25.9897	26.6395	27.3055	27.9881
727*	---	---	---	---	---	28.8444	29.5656

Range	H	I	J	K	L	M	N	O
710	17.8107	18.2560	18.7124	19.1802	19.6597	20.1512	20.6550	21.1713
711	18.8781	19.3500	19.8338	20.3296	20.8378	21.3588	21.8928	22.4401
712	20.0952	20.5976	21.1125	21.6403	22.1813	22.7359	23.3043	23.8869
714	21.5343	22.0727	22.6245	23.1901	23.7699	24.3641	24.9732	25.5976
722	---	---	---	---	---	---	---	---
723	23.7450	24.3387	24.9471	25.5708	26.2101	26.8653	27.5370	28.2254
724	26.0870	26.7391	27.4076	28.0928	28.7951	29.5150	30.2529	31.0092
725*	28.6878	29.4050	30.1401	30.8936	31.6660	32.4576	33.2691	34.1008
727*	30.3047	31.0623	31.8390	32.6348	33.4507	34.2869	35.1441	36.0227

*Hourly rates in this pay range are for law enforcement positions assigned to work 42.5-hour schedules based on a 7-day work period.

SECTION 6. A schedule of standard pay ranges established for commissioned positions in the Fire Department in which employees are treated as non-exempt from the overtime provisions of the FLSA.

December 26, 2009 – December 24, 2010

Range	A	B	C	D	E	F	G	
821	16.2772	---	---	---	---	---	---	
824	20.5315	21.0448	21.5709	22.1102	22.6629	23.2295	23.8102	
827* 24 Hr.	16.2602	16.6667	17.0834	17.5104	17.9482	18.3969	18.8568	
827* 40 Hr.	22.7643	23.3334	23.9167	24.5146	25.1275	25.7557	26.3996	
891* 24 Hr	13.2692	13.6009	13.9409	14.2895	14.6467	15.0129	15.3882	
891* 40 Hr	18.5769	19.0413	19.5173	20.0052	20.5054	21.0180	21.5435	
892* 24 Hr	14.6653	15.0320	15.4078	15.7930	16.1878	16.5925	17.0073	
892* 40 Hr.	20.5315	21.0448	21.5709	22.1102	22.6629	23.2295	23.8102	
893* 24 Hr.	16.2602	16.6667	17.0834	17.5104	17.9482	18.3969	18.8568	
893* 40 Hr.	22.7643	23.3334	23.9167	24.5146	25.1275	25.7557	26.3996	
Range	H	I	J	K	L	M	N	O
821	---	---	---	---	---	---	---	---
824	24.4055	25.0156	25.6410	26.2820	26.9391	27.6126	28.3029	29.0104
827* 24 Hr.	19.3283	19.8115	20.3068	20.8144	21.3348	21.8682	22.4149	22.9752
827* 40 Hr.	27.0596	27.7361	28.4295	29.1402	29.8687	30.6154	31.3808	32.1653
891* 24 Hr	15.7729	16.1672	16.5714	16.9857	17.4103	17.8456	18.2917	18.7490
891* 40 Hr	22.0820	22.6341	23.2000	23.7800	24.3745	24.9838	25.6084	26.2486
892* 24 Hr	17.4325	17.8683	18.3150	18.7729	19.2422	19.7233	20.2163	20.7217
892 *40 Hr.	24.4055	25.0156	25.6410	26.2820	26.9391	27.6126	28.3029	29.0104
893* 24 Hr.	19.3283	19.8115	20.3068	20.8144	21.3348	21.8682	22.4149	22.9752
893* 40 Hr.	27.0596	27.7361	28.4295	29.1402	29.8687	30.6154	31.3808	32.1653

*Hourly rates in this pay range that are designated "24-Hour Shift" are for fire protection positions assigned to work hour shifts with schedules based on a 27-day work period. The rates designated "40-Hour Week" are

provided to accommodate the need to assign an employee in a position classification assigned to one of these ranges to a duty requiring that work be performed during a 40-hour per week schedule.

SECTION 7. Other Provisions

- a. Unless otherwise indicated in the schedule contained in Sections 1 through 8 above, the pay ranges enumerated in said Sections shall constitute the total pay received by employees, subject to the following exceptions:
- (1) Commissioned officers of the Police Department who are required to wear uniforms while on duty will be issued a complete uniform. All uniform items issued under the uniform program shall remain the property of the City of Wichita.
 - (2) Commissioned Police Department Personnel, as well as Traffic Safety Officers, Warrant Officers, Station Clerks, and Crime Scene Investigators shall be allowed up to a maximum of \$650 in department credit or vouchers for replacement of uniforms and/or civilian attire in accordance with departmental policy. Uniformed employees may expend up to \$200 of the allowance for civilian attire each year. This provision applies below the rank of Deputy Police Chief. It does not apply to civilianized positions that are not required to be in uniform.
 - (3) All members of the Reserve Police Force may, at the discretion of the City Manager, be paid up to but not exceeding the sum of \$60.00 per year, in accordance with the clothing maintenance and allowance program promulgated and administered by the City Manager, which program may be revised and amended.
 - (4) Commissioned officers of the Fire Department who are required to wear uniforms while on duty will be paid up to but not exceeding the additional sum of \$600. This provision applies to positions below the rank of Deputy Fire Chief.

Protective clothing will be furnished to such members of the Fire Department as may be designated by the Director of the Department. Protective clothing shall include bunkers, coats, boots, and any other items that the City Manager may authorize.

- (5) Uniforms may be prescribed for employees in positions whose duties bring them in frequent contact with the public. Department directors may acquire, with approval of the City Manager, uniforms within budgeted amounts.
- (6) Service Officers, Security Screeners and Security Officers in the Police Department shall be allowed up to a maximum of \$450.00 in department credit or vouchers for replacement of uniforms in accordance with Departmental Policy. No allowance shall be paid in the year of initial uniform issue or any subsequent year in which all new uniforms are issued.

The City Manager may approve an annual uniform allowance or credit vouchers up to a maximum of \$125.00 for other noncommissioned City employees required to wear a standardized uniform in the performance of their assigned duties. The allowance will vary depending upon the actual costs of replacing different kinds of uniforms and departmental policy. The City Manager shall determine which positions will require such uniforms and may revise and amend such determination at his/her discretion.

Reimbursement shall be made to eligible employees, of an amount not to exceed \$150.00, expended for safety boots that meet the specifications set by the City. The City Manager shall determine which positions are eligible and may revise and amend such determination at his/her discretion.

- (7) Commissioned officers of the Police Department who have received a degree from a four-year college or university will receive \$110.00 per month for a bachelor's degree or \$135.00 per month for a master's degree. The degree must be in Administration of Justice, a related field, or be approved the Department Director and the City Manager. These employees are not eligible for the Tuition Reimbursement program.
- (8) Commissioned members of the Fire Department shall receive education pay of \$50.00 per

month for a bachelor's degree or \$75.00 per month for a master's degree from a college or university accredited by an agency recognized by the Kansas Board of Regents and certified as eligible by the Human Resources Department. These employees are not eligible for the Tuition Reimbursement program.

- (9) Airport Police and Fire Officers represented by the Teamsters Union Local #795 shall receive education pay of \$50.00 per month for a bachelor's degree or \$75.00 per month for a master's degree from a college or university accredited by an agency recognized by the Kansas Board of Regents and certified as eligible by the Human Resources Department. These employees are not eligible for the Tuition Reimbursement program.
- (10) Police Department personnel who are assigned to duty requiring regular and frequent aerial flights shall be entitled to Special Duty Pay, not to exceed \$60.00 per pay period in which at least ten (10) flight hours are logged. Special Duty Pay also applies to Police Department personnel who are certified/trained and assigned to bomb duty, clandestine labs, canine or SWAT duty; they shall be compensated \$60.00 per pay period in addition to their regular pay. An employee may receive only one category of Special Duty Pay.
- (11) IAFF-represented Fire Department personnel who are certified as, and members of, the team assigned to Arson Investigation, Haz-Mat or Technical Rescue, will receive an additional \$35.00 per pay period. This provision also applies to Fire Battalion Chiefs who qualify. An employee may receive only one category of Special Duty Pay.
- (12) Airport Police and Fire Officers represented by the Teamsters Union Local #795 shall receive \$35.00 per pay period in addition to their base pay upon satisfactory completion of an accredited Emergency Medical Technician (EMT) course.
- (13) Police Officers who are assigned to Field Training Officer duty shall be entitled to an additional \$0.80 per hour while actually assigned to the training of newly commissioned officers and newly commissioned reserve police officers. This shall occur only during the training cycle or remedial training cycle established for such new officers (or such training cycle as may be approved by the Chief of Police). Police Sergeants who are assigned to a Police Field Training Sergeant duty shall be entitled to an additional \$0.70 per hour while actually assigned to supervise the training of newly commissioned officers and newly commissioned reserve police officers. This pay shall only occur during the training cycle or remedial training cycle established for such new officers (or such training cycle as may be approved by the Chief of Police).
- (14) FOP-represented employees who opt to take and pass an annual fitness test will receive a \$100 bonus for each year in which they pass the test.
- (15) Shift differential will be paid at a rate of \$.75 per hour for hours actually worked between 6:00 p.m. and 6:00 a.m. for full-time non-exempt employees represented by the Service Employees' International Union or by Employees' Council.

The following work time will be used to differentiate between shifts for employees in the Fire Department represented by the International Association of Fire fighters:

1 st Shift:	From	4:00 a.m. to 2:59 p.m.
2 nd Shift:	From	3:00 p.m. to 9:59 p.m.
3 rd Shift:	From	10:00 p.m. to 3:59 p.m.

The following work time will be used to differentiate between shifts for employees represented by the Fraternal Order of Police:

1 st Shift:	From	6:00 a.m.	To: 10:00 a.m.
2 nd Shift:	From	10:00 a.m.	To: 5:00 p.m.
3 rd Shift:	From	5:00 p.m.	To: 11:00 pm.
4 th Shift:	From	11:00 p.m.	To: 6:00 a.m.

Employees represented by the Fraternal Order of Police shall receive \$0.75 per hour shift differential for 2nd, 3rd and 4th shift, in addition to regular wages.

Employees of the Fire Department represented by the International Association of Fire Fighters who work a 40 hour week will receive \$0.15 per hour differential for 2nd shift and \$0.25 per hour for 3rd shift.

- (16) An employee who is put on standby status shall be compensated at the rate of \$1.00 per hour for every hour on standby status.
- (17) Allowance for travel expenses or for the use of personally owned vehicles may be made by the City Manager; and such other expenses incurred in, and as part of, official City business as shall be authorized and approved by the City Manager.

Any subsistence furnished employees shall be deducted from the gross pay in the amount of the equivalent cash value as determined by the City Manager.

- (18) In recognition of long and faithful service the City Manager may approve longevity pay for certain employees in addition to other remuneration received. Such payments may commence upon the completion of six years total accumulative municipal employment, and continue each year thereafter so long as an employee shall remain in the active service of the City. The payment shall be an amount not to exceed \$2.00 times the total years of service, per month, e.g., \$2.00 X 10 years of service = \$20.00 per month payment. For employees with over eleven years accumulative City employment, the payment shall be \$5.00 time the total years of service per month, e.g., \$5.00 X 12 years of service = \$60.00 per month in payment. Refer to the Memorandum of Agreement for longevity pay for Teamsters Union Local #795 (Transit) positions.
- (19) The City Manager may authorize compensation to employees serving in an acting capacity, at the pay range of such position being filled, when such acting capacity is expected to exceed four (4) weeks, or in accordance with approved Memoranda of Agreement with recognized employee organizations.
- (20) If an employee moves into a new classification because of a reclassification, or if an employee receives a pay range reduction, and if the employee's pay is more than the maximum pay in the new range, the employee's pay will be reduced to the maximum for the new pay range, or the employee may, at the discretion of the City Manager, continue to be paid at his/her current rate. Such employees may not receive further merit or cost of living increases until the pay range equals or exceeds the amount paid the employee.

If an employee moves into a higher classification due to a reclassification, and if the employee's pay falls below the minimum of the new range, the employee's pay will be increased to the minimum for the new pay range, or the employee may, at the discretion of the City Manager, continue to be paid at his/her current rate for up to six months following the reclassification.

- b. In addition to the compensation provided for above, there shall be paid to each employee coming within the provisions of the Kansas Workers' Compensation Act during any period of total disability compensable under said Act for a period not exceeding 90 consecutive calendar days from date of injury, his/her net pay less compensation payments received under the provisions of said Act.
- c. The City Manager shall certify the classification and compensation of each employee of the City of Wichita, and any change of classification or compensation of any employee.
- d. The City Manager shall formulate such rules and regulations as shall be necessary to carry out the purposes and intent of this Ordinance, and to establish equitable conditions of employment under the various departments and employees, including all available employee benefits.
- e. The Human Resources Director shall keep permanent records of the certification of classification and payment as is provided for in this Ordinance.
- f. The City Manager is authorized to adjust the scheduled pay ranges for specific positions, in an amount not to exceed 10%, to avoid inequities or address compression issues which may arise. In the event the City Manager exercises this authority to adjust the pay ranges, he/she shall make available to the City Council, upon request, information regarding such adjustment, and such adjustments shall be reflected in future general ordinances establishing position classifications and pay rates.

- g. If the City Manager of the City of Wichita should decide to create a new classification of positions and prescribe payments for such classifications, he/she shall make available a statement of the duties and responsibilities of such classification, together with the proposed compensation for such classification to the City Council upon request.
- h. The City of Wichita is hereby authorized to withhold from the salaries and wages of its employees such sums as they may designate.
- i. Any compensation granted as a bonus or one-time payment to an employee in any retirement plan will not be subject to retirement withholding nor will it be included in the final average salary of a retiring employee.
- j. Nothing in this Section shall be construed in any way to limit the administrative discretion of the City Manager to, within budgetary limits, increase or decrease pay rates of individual positions within the pay ranges prescribed for the position classifications, provided the certification is made to the Human Resources Director as provided herein.

SECTION 9. A listing of the position classifications and their pay ranges, as reflected in the current salary ordinance, is provided by appendix to this Section.

SECTION 10. Ordinance No. **48-178** is hereby repealed.

SECTION 11. This ordinance shall take effect on **December 26, 2009**, and be published in the official city newspaper.

ADOPTED at Wichita, Kansas, this 15th day of December.

Carl Brewer, Mayor

Attest: _____

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, Director of Law

ATTACHMENT

SALARY AND CLASSIFICATION ORDINANCE REVISIONS
December, 2009

NON-EXEMPT CLASSIFICATION ORDINANCE

1. Add Airport Operations Officer classification.
2. Add Bailiff classification.
3. Add Child Development Specialist classification – replaces the deleted Counselor.
4. Delete two duplicate Clerical Aide classifications.
5. Delete Community Health Aide classification; inactive.
6. Delete Community Service Aide classification; inactive.
7. Delete Community Service Records Clerk classification; inactive.
8. Delete Community Service Worker classification; inactive.
9. Delete Construction Inspector III classification; replaced by existing Combination Inspector.
10. Add Department Intern classification; replaces the deleted Cooperative Education Student.
11. Delete the I from the Electrical Inspector I classification; there is no II-level.
12. Clarify Fire multiple pay ranges as 24-hour or 40-hour schedules.
13. Delete the word “Operations” from the Fire Operations Training Instructor classification.
14. Delete Library Aide classification; inactive.
15. Delete Mechanical Equipment Operator classification; inactive.
16. Delete the I from Plumbing Inspector I classification; there is no II-level.
17. Delete Recreation Aide classification; inactive.
18. Delete Recreation Leader I classification; inactive
19. Delete Recreation Leader II classification; inactive
20. Delete Recreation Specialist classification; inactive.
21. Delete Switchboard Operator classification. It was eliminated by a reclassification.

Non-exempt Classification Ordinance, continued

21. Delete Traffic Safety Officer classification. Positions were eliminated or reclassified.
22. Add Water Line Technician classification.
23. Delete Water Service Representative classification. It was eliminated by reclassification to Water Line Technician.

NON-EXEMPT SALARY ORDINANCE

Section 1 – Delete outdated table from Wichita Transit (Teamsters) pay rates, leaving only tables for 2010 pay rates as specified in the current bargaining agreement.

Section 2 and Section 3 for seasonal/limited classifications are deleted. Limited or seasonal positions can be hired in other non-exempt pay ranges (600 series); formerly Section 4, now shown in renumbered Section 2.

Section 4 (new 2) – Change the dates on the pay rate tables for non-exempt, civilian positions (SEIU and non-represented) to the 2010 payroll year. There are no pay rate increases; the same rates carry over.

Section 5 (new 3) - Change the dates on the pay rate tables for non-exempt professional positions to the 2010 payroll year. There are no pay rate increases; the same rates carry over.

Section 6 (new 4) – Change the dates on the pay rate tables for non-exempt Airport Safety positions to the 2010 payroll year. There are no pay rate increases; the same rates carry over. Negotiations with the bargaining unit have not yet concluded.

Section 7 (new 5) – Change the dates on the pay rate tables for Police Department positions represented by the FOP to the 2010 payroll year. There are no pay rate increases; the same rates carry over. Negotiations with the bargaining unit have not yet concluded.

Section 8 (new 6) – Change the dates on the pay rate tables for commissioned Fire Department positions represented by the IAFF to the 2010 payroll year. There are no pay rate increases; the same rates carry over.

EXEMPT CLASSIFICATION ORDINANCE

1. Add Airport Operations Superintendent classification.
2. Change one Battalion Chief position (Fire Prevention) to a new classification, Chief Fire Prevention Officer.
3. Add City Engineer classification to range D71 – classification title change only, no change in level or salary.
4. Reclassify Fire & Medical Rescue Coordinator from range D61 to C44/C51, a lower pay range consistent with the duties and non-commissioned status.

Exempt Classification Ordinance, continued

5. Delete Deputy Chief, Airport Public Safety. Position has been eliminated from the budget.
6. Delete Transit Administrator. Position was deleted when Assistant Director of Transit classification was created.

EXEMPT SALARY ORDINANCE

Section 1 - Change the date on the salary table to 2010. There are no salary range increases.

**City of Wichita
City Council Meeting
December 8, 2009**

TO: Mayor and City Council

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures
(Districts I, III and IV)

INITIATED BY: Office of Central Inspection

AGENDA: New Business

Recommendations: Adopt the resolution.

Background: On October 13, 2009, a report was submitted with respect to the dangerous and unsafe conditions on the properties listed as items a through e. On October 20, 2009, a report was submitted with respect to the dangerous and unsafe conditions on the properties listed as items f through m. The Council adopted a resolution providing for public hearings to be held on the condemnation actions at 9:30 a.m. or as soon thereafter, on December 8, 2009.

Analysis: On September 14, 2009 the Board of Code Standards and Appeals (BCSA) held hearings on the properties listed as items a through e. On October 5, 2009, the BCSA held hearings on the properties listed as items f through m.

<u>Property Address</u>	<u>Council District</u>
a. 2511 East 9 th Street North	I
b. 1956 North Spruce	I
c. 2110 East 13 th Street North	I
d. 2023 East Chisholm	I
e. 1022 North Green	I
f. 1348 North Green	I
g. 936 North Holyoke	I
h. 1652 South Greenwood	I
i. 1004 East Bayley	I
j. 1531 North Minnesota	I
k. 1728 North Fairmount	I
l. 3676 East Cessna	III
m. 1448 South Handley	IV

Detailed information/analysis concerning these properties is included in the attachments.

Financial Considerations: Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

Goal Impact: On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Legal Considerations: Pursuant to State Statute, the Resolutions were duly published twice on October 16, 2009 and October 23, 2009 for items a through e. Resolutions were duly published twice on October 23, 2009 and October 30, 2009 for items f through m. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Recommendations/Actions: It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings to be dangerous and unsafe structures, and accept the BCSCA recommended actions to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair any structures would be contingent on the following: (1) All taxes have been paid to date as of December 8, 2009; (2) the structures have been secured as of December 8, 2009, and will continue to be kept secured; and (3) the premises are mowed and free of debris as of December 8, 2009, and will be so maintained during renovation.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owner of these findings.

Attachments: Case Summary, Summary and Follow-Up History.

December 8, 2009
City Council Hearing
Removal of Dangerous Structures Case Summary

Address	Cncl. Dist.	Hsng. Case Age	Cndm. Init. Date	BCSA Hrng. Date	Owner/ Rep. At BCSA ?	BCSA Recomm.	Open or Secure	Premise Cond. Status	Prop. Tax Status	Assmnts / Pending Assmnts
2511 E. 9th N.	I	1 yr. 10 mos.	06/19/09	09/14/09	No	10/10	Secure	Clean	The 2007 and 2008 taxes are delinquent in the amount of \$989.95, which includes specials and interest.	There is a pending special for weed cutting in the amount of \$120.24.
1956 N. Spruce	I	3 yrs. 7 mos.	06/19/09	09/14/09	No	10/10	Garage and utility porch are unsecure.	Cut trees, bushes, seedling and saplings.	The 2004, 2005, 2006, 2007 and 2008 taxes are delinquent in the amount of \$4,732.19, which includes specials and interest. It is in tax foreclosure.	There is 2009 special assessment for weed cutting in the amount of \$124.45 and a pending special for lot cleanup in the amount of \$941.95.
2110 E. 13th N.	I	2 yrs. 3 mos.	06/19/09	09/14/09	No	10/10	Unsecure with a broken southwest window.	Clean	The 2006, 2007 and 2008 taxes are delinquent in the amount of \$644.60, which includes interest.	There is a 2009 special assessment for weed cutting, board-up and lot cleanup in the amount of \$1,200.62
2023 E. Chisholm	I	1 yr. 4 mos.	06/19/09	09/14/09	No	10/10	Secure	Clean	Current	None
1022 N. Green	I	5 yrs. 8 mos.	06/19/09	09/14/09	No	10/10	Secure	Clean	Current	There is a 2009 special assessment for weed cutting and lot cleanup in the amount of \$1,548.16, which includes interest.

December 8, 2009
City Council Hearing
Removal of Dangerous Structures Case Summary

Address	Cncl. Dist.	Hsng. Case Age	Cndm. Init. Date	BCSA Hrng. Date	Owner/ Rep. At BCSA ?	BCSA Recomm.	Open or Secure	Premise Cond. Status	Prop. Tax Status	Assmnts / Pending Assmnts
1348 N. Green	I	2 yrs. 7 mos.	01/05/09	3/2/2009 05/04/09 07/13/09 09/14/09 10/05/09	Yes Yes Yes No No	10/10	The structure is unsecure with an open basement window and two main level doors.	Bagged trash, scattered trash and debris in yard and abutting alleyway.	The 2008 taxes are delinquent in the amount of \$117.31.	None
936 N. Holyoke	I	2 yrs. 3 mos.	01/05/09	03/02/09 05/04/09 07/13/09 09/14/09 10/05/09	Yes Yes Yes No No	10/10	Unsecure with an open front window.	Clean	The 2008 taxes are delinquent in the amount of \$296.71, which includes interest.	None
1652 S. Greenwood	I	8 yrs. 11 mos.	08/14/09	10/05/09	No	10/10	The main structure is unsecure with open rear windows.	A trailer and the garage are filled with bulky waste.	Current	There is a pending special assessment for lot cleanup in the amount of \$1,147.70.
1004 E. Bayley	I	4 yrs. 3 mos.	08/14/09	10/05/09	No	10/10	The secondary structure and accessory structures are unsecure.	Tall weeds, tree saplings, bulky waste and a vehicle inside the garage.	Current	There is a pending special assessment for weed cutting in the amount of \$120.24.

December 8, 2009
City Council Hearing
Removal of Dangerous Structures Case Summary

Address	Cncl. Dist.	Hsng. Case Age	Cndm. Init. Date	BCSA Hrng. Date	Owner/ Rep. At BCSA ?	BCSA Recomm.	Open or Secure	Premise Cond. Status	Prop. Tax Status	Assmnts / Pending Assmnts
1531 N. Minnesota	I	6 yrs. 9 mos.	08/14/09	10/05/09	No	10/10	It is unsecure due to window cutouts on southwest corner.	Bulky waste, tall grass, and miscellaneous debris.	The 2005, 2006, 2007 and 2008 taxes are delinquent in the amount of \$3,591.10, which includes specials and interest. It is in tax foreclosure.	There is a 2009 special assessment for weed cutting and board-up in the amount of \$689.93, which includes interest. There is a pending special assessment for weed cutting in the amount of \$120.24.
1728 N. Fairmount	I	3 yrs. 1 mo.	08/14/09	10/05/09	No	10/10	Structure was open due to repairs in progress	Large tree limb in front yard otherwise clean.	Current	None
3676 E. Cessna	III	8 yrs. 1 mo.	08/14/09	10/05/09	No	10/10	Unsecure with open north window.	Bulky waste and tree debris.	Current	None
1448 S. Handley	IV	15 yrs. 11 mos.	08/14/09	10/05/09	No	10/10	Since staff is unable to obtain access to the entire premises, unknown if secured.	Three inoperable vehicles and salvage material.	Current	None

December 8, 2009
City Council Hearing
Removal of Dangerous Structures Case Summary

Pending Incurred Costs
Weed mowing September 30, 2009 in the amount of \$120.24 invoice pending.
None
Weed mowing on November 4, 2009 in the amount of \$120.24 invoice pending.
None
None

December 8, 2009
City Council Hearing
Removal of Dangerous Structures Case Summary

Pending Incurred Costs
None
None
None
Emergency boardup on November 10, 2009 in the amount \$725.95 and weed mowing on November 13, 2009 in the amount of \$120.24 invoices pending.

December 8, 2009
City Council Hearing
Removal of Dangerous Structures Case Summary

Pending Incurred Costs
None
None
None
None

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 2511 E. 9TH N.

LEGAL DESCRIPTION: BEGINNING 150 FEET WEST OF THE SOUTHWEST CORNER OF THE INTERSECTION OF GREEN STREET AND NINTH STREET, THENCE SOUTH 140 FEET; THENCE WEST 50 FEET; THENCE NORTH 140 FEET; THENCE EAST 50 FEET TO BEGINNING, BEING A PART OF LOT 7, FRISCO AVENUE, NOW NINTH STREET, IN MOSSMAN'S ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY KANSAS.

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 33 x 48 feet in size. Vacant and open, this structure has cracking and shifting concrete block basement walls; missing vinyl siding; badly worn composition roof, with missing shingles; deteriorating front, rear and two side porches; and the wood trim and framing members are rotted.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.

D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 2511 E. 9TH N

ACTIVE FIELD FILE STARTED: January 28, 2008

NOTICE(S) ISSUED: Since January 28, 2008, a notice of improvement and numerous violation notices have been issued. There is a Neighborhood Nuisance Enforcement case on this property. Uniform Criminal Complaints have been issued regarding both the Housing Code Complaint and Neighborhood Nuisance Enforcement cases.

PRE-CONDEMNATION LETTER: May 28, 2009

TAX INFORMATION: The 2007 and 2008 taxes are delinquent in the amount of \$989.95, which includes specials and interest.

COST ASSESSMENTS/DATES: There is a pending special for weed cutting in the amount of \$120.24.

PREMISE CONDITIONS: Clean

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: Weed mowing on June 8, 2009 in the amount of \$120.24. Weed mowing on September 30, 2009 in the amount of \$120.24 invoice pending.

POLICE REPORT: There have been thirteen reported police incidents at this location including burglary residence no force night, other drivers license violation, runaway, other destruction of property, battery, weapons other, violation road and driving laws other violation, other traffic violation impounded auto, and miscellaneous officers, miscellaneous reports (2) and other drivers license violation (2).

FORMAL CONDEMNATION ACTION INITIATED: June 19, 2009

RECENT DEVELOPMENTS: No repairs have been made and it is secure.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the September 14, 2009, BCSA hearing no representative attended the hearing.

Board Member Murabito made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to complete the demolition. Board Member Hartwell seconded the motion. The motion carried.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 1956 N. SPRUCE

LEGAL DESCRIPTION: LOTS 1 AND 3, SPRUCE AVENUE, STOUT'S ADDITION TO WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS.

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 38 x 38 feet in size. Vacant for at least 3 years, this structure has cracking and shifting concrete basement walls; loose and buckled metal siding; deteriorating front and rear porches; and the 20 x 24 and 8 x 8 foot accessory structures are dilapidated.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 1956 N. SPRUCE

ACTIVE FIELD FILE STARTED: April 19, 2006

NOTICE(S) ISSUED: Since April 19, 2006, two notice of improvements and numerous violation notices have been issued. In June 2006, Tina Tisdale notified OCI staff that the owner Willie Williams was deceased and that she was the executor. It should be noted that Uniform Criminal Complaints have been issued regarding this property and it has been the subject of Neighborhood Court.

PRE-CONDEMNATION LETTER: March 6, 2009

TAX INFORMATION: The 2004, 2005, 2006, 2007 and 2008 taxes are delinquent in the amount of \$4,732.19, which includes specials and interest. It is in tax foreclosure.

COST ASSESSMENTS/DATES: There is 2009 special assessment for weed cutting in the amount of \$124.45 and a pending special for lot cleanup in the amount of \$941.95.

PREMISE CONDITIONS: Cut trees, bushes, seedling and saplings.

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: Lot cleanup on June 15, 2009 in the amount of \$941.95 and weed mowing on October 16, 2008 in the amount of \$120.24.

POLICE REPORT: There have been seven reported police incidents at this location including forcible rape, identity theft, miscellaneous report, attempt to locate persons, suspicious character other and dead bodies found no witness (2).

FORMAL CONDEMNATION ACTION INITIATED: June 19, 2009

RECENT DEVELOPMENTS: On September 23, 2009, OCI staff was contacted by Gayle Wright who advised he had purchased the property at tax sale late August 2009. He was informed of current condemnation status, emailed a copy of the notice of violation, and informed of upcoming City Council hearing scheduled for December 8, 2009. On November 17, 2009, staff confirmed through Sedgwick County Treasurer that this property was sold at tax sale on August 31, 2009. The taxes and ownership information have not been updated through Sedgwick County due to delays in processing the documentation. No repairs have been made. Garage and utility porch are unsecure.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the September 14, 2009, BCSA hearing there was no one present to represent this property.

Board Member Hartwell made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to initiate razing the structure, and ten days to complete wrecking. Board Member Willenberg seconded the motion. The motion was unanimously approved.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 2110 E. 13th N.

LEGAL DESCRIPTION: THE EAST 50 FEET OF LOTS 182, 184, 186 AND 188, STRONG AVENUE, NOW ASH, LOGAN ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS.

DESCRIPTION OF STRUCTURE: A two story frame dwelling about 24 x 38 feet in size. Vacant for at least 2 years, this structure has shifting and cracking concrete block basement walls; cracked and missing asbestos siding; deteriorating front porch; and the wood trim and framing members are weathered due to lack of paint.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 2110 E. 13th N

ACTIVE FIELD FILE STARTED: August 29, 2007

NOTICE(S) ISSUED: Since August 29, 2007, a notice of improvement and several violation notices have been issued. On January 10, 2009, OCI staff completed an emergency board-up on this property at a cost of \$494.74.

PRE-CONDEMNATION LETTER: December 10, 2008

TAX INFORMATION: The 2006, 2007 and 2008 taxes are delinquent in the amount of \$644.60, which includes interest.

COST ASSESSMENTS/DATES: There is a 2009 special assessment for weed cutting, board-up and lot cleanup in the amount of \$1,200.62

PREMISE CONDITIONS: Clean

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: Lot cleanup on April 1, 2009 in the amount of \$489.15 and weed mowing on August 7, 2009 in the amount of \$120.24. Weed mowing on November 4, 2009 in the amount of \$120.24 invoice pending.

POLICE REPORT: There have been a total of fourteen reported police incidents at this location including burglary residence (2), burglary residence force day, auto theft not recovered, miscellaneous report (3), larceny b auto accessories (2), battery law enforcement officer, dead bodies found no witness, lost miscellaneous property and miscellaneous officers (2).

FORMAL CONDEMNATION ACTION INITIATED: June 19, 2009

RECENT DEVELOPMENTS: No repairs have been made. Unsecure with a broken southwest window.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the September 14, 2009, BCSA hearing there was no representative for this property in attendance.

Board Member Murabito made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to start removal and ten days to complete the wrecking. Board Member Willenberg seconded the motion. The motion carried.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 2023 E. CHISHOLM

LEGAL DESCRIPTION: THE WEST 86.4 FEET OF EAST 216.4 FEET OF THE NORTH 50 FEET OF LOT 5, TARLTON'S SECOND ADDITION OF THE OUTLOTS TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 42 x 27 feet in size. Vacant for at least 1 year, this structure has a cracking concrete block foundation; missing vinyl siding; badly worn composition roof, with holes and missing shingles; dilapidated front and rear porches; and the wood trim and framing members are rotted and missing.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 2023 E. CHISHOLM

ACTIVE FIELD FILE STARTED: August 7, 2008

NOTICE(S) ISSUED: Since August 7, 2008, a notice of improvement and two violation notices have been issued. On September 14, 2009, OCI staff was contacted by a Mary Hood who requested an extension indicating she would like to have the property demolished.

PRE-CONDEMNATION LETTER: June 8, 2009

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Clean

VACANT NEGLECTED BUILDING REPORT: Open case

NUISANCE ABATEMENT REPORT: None

POLICE REPORT: There have been three reported police incidents at this location including larceny b auto accessories and (2) miscellaneous reports.

FORMAL CONDEMNATION ACTION INITIATED: June 19, 2009

RECENT DEVELOPMENTS: No repairs have been made and it is secure.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the September 14, 2009, BCSA hearing there was no representative for this property.

Board Member Hartwell made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to finish razing the structure. Board Member Willenberg seconded the motion. The motion was approved.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 1022 N. GREEN

LEGAL DESCRIPTION: LOTS 17 AND 19, EXCEPT THE NORTH 2.0 FEET OF THE EAST 20.0 FEET, BLOCK 3, ESTERBROOK PARK ADDITION TO WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 28 x 38 feet in size. Vacant for at least 2 years, this structure has a cracking concrete foundation, with some areas missing; rotted and missing woodlap siding; deteriorated front porch; and the wood trim and framing members are rotted.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 1022 N. GREEN

ACTIVE FIELD FILE STARTED: March 17, 2004

NOTICE(S) ISSUED: Since March 17, 2004, a notice of improvement and numerous violation notices have been issued. In February 2008, OCI staff was notified that the owner of the property was deceased. The owner's son, Mr. Conrad Naylor requested mailings pertaining to this property be sent to him. It should be noted that in March 2008, a Uniform Criminal Complaint was issued for failing to secure.

PRE-CONDEMNATION LETTER: June 16, 2009

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: There is a 2009 special assessment for weed cutting and lot cleanup in the amount of \$1,548.16, which includes interest.

PREMISE CONDITIONS: Clean

VACANT NEGLECTED BUILDING REPORT: Open case

NUISANCE ABATEMENT REPORT: Weed mowing on January 7, 2006 in the amount of \$111.64, lot cleanup on May 12, 2008 in the amount of \$1,134.86, weed mowing on September 8, 2008 in the amount of \$120.24 and weed mowing on October 30, 2008 in the amount of \$120.24.

POLICE REPORT: There have been twenty reported police incidents at this location including aggravated assault firearms shots, burglary residence force day, draw deadly weapon, embezzled auto, disturb the peace phone call, disorderly conduct other, other traffic violation impounded auto, other drivers license violation (2), destruction to auto, other miscellaneous offenses, lost miscellaneous property (4), larceny b bike, larceny b auto accessories, auto theft not recovered, battery and miscellaneous report.

FORMAL CONDEMNATION ACTION INITIATED: June 19, 2009

RECENT DEVELOPMENTS: No repairs have been made and it is secure. On November 16, 2009, a tall grass and weeds case was initiated on this property.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the September 14, 2009, BCSA hearing no one attended the hearing as a representative for this property.

Board Member Murabito made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking the building and ten days to finish the removal of the structure. Board Member Willenberg seconded the motion. The motion carried.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 1348 N. GREEN

**LEGAL DESCRIPTION: LOTS 10 AND 12, ON GREEN STREET, FAIRMOUNT PARK
ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.**

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 22 x 28 feet in size. Vacant and open, this structure has shifting and cracking basement walls; rotted and missing wood lap siding; sagging and badly worn composition roof with holes; rotted wood trim; and the 12 x 20 foot accessory structure is deteriorated.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.**
- D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP # 2

ADDRESS: 1348 N. GREEN

ACTIVE FIELD FILE STARTED: May 5, 2007

NOTICE(S) ISSUED: Since May 5, 2007, a notice of improvement and numerous violation notices have been issued. In July 2007, OCI staff was notified that the ownership had changed. A notice of violation and pre-condemnation documents were sent to the new owner. In October 2007, OCI staff was notified that ownership changed back to the original owner Mr. Edmond Brown. On April 20, 2009, Mr. Brown was contacted by OCI staff regarding the sale of this property. He advised that it should be sold within the next two weeks.

PRE-CONDEMNATION LETTER: January 22, 2008

TAX INFORMATION: The 2008 taxes are delinquent in the amount of \$117.31.

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Bagged trash, scattered trash and debris in yard and abutting alleyway.

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: None

POLICE REPORT: There have been thirteen reported police incidents at this location including burglary residence, burglary residence force day, burglary residence no force day, battery (3), child endangerment, suicide attempt other, revocation suspended drivers license, other destruction of property, larceny b all other (2) and larceny b from auto.

FORMAL CONDEMNATION ACTION INITIATED: January 5, 2009

RECENT DEVELOPMENTS: At the September 14, 2009, BCSA hearing it was reported that some repairs had been made to the garage only. The OCI inspector was unable to clear violations due to poor workmanship or complete non-compliance. On September 23, 2009, new owner, Arthur L. Brown contacted OCI staff regarding this property. He was informed of the BCSA hearing scheduled for October 5, 2009. The condemnation process was explained and he was provided a copy of the Notice of Violations. On October 26, 2009, a Uniform Criminal Complaint was issued for unsecured structure. As of November 16, 2009, no repairs have been made. The structure is unsecure with an open basement window and two main level doors.

OWNER'S PAST CDM HISTORY: This property owner currently has two properties in condemnation.

BOARD OF C.S.&A. RECOMMENDATION: At the March 2, 2009, BCSA hearing Edmond Brown, property owner, was present.

Chairman Murabito asked Mr. Brown what his plans were for the property. Mr. Brown said that he had a buyer for the property, and the buyer would probably repair the structure and rent it.

Board Member Coonrod made a motion to allow sixty days for the property to be sold. In the event that the property is not sold or brought into minimum code compliance within that timeframe, the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the razing. Board Member Hentzen seconded the motion. The motion carried.

At the May 4, 2009, BCSA hearing Mr. Edmond Brown and Mr. Willis Moore were present to represent this property.

This property was initially brought before the Board at the March 2009 hearing. At that hearing, the Board approved a motion to allow sixty days for the property to be sold or brought into minimum code compliance. In the event that the property was not sold and not brought into compliance, the property would automatically be referred to the City Council for condemnation. The taxes are current and there are no special assessments against the property. There are tall grass and weeds and scattered debris on the site. No repairs had been made by the last site inspection, and the attached garage had an open window.

Mr. Brown informed the Board that he had sold the property to Mr. Willis Moore. Mr. Moore addressed the Board and estimated that he would have the code violations corrected within ninety days. Once the property is renovated, Mr. Moore said he intended to rent out the property.

Board Member Harder made a motion to allow sixty days for the exterior of the property to be brought into minimum code compliance, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion passed.

At the July 13, 2009, BCSA hearing Edmond Brown (seller) and Willis Moore (buyer) attended the hearing.

Vacant and open, this one-story frame dwelling is about 22 x 28 feet in size. The structure has shifting and cracking basement walls; rotted and missing wood lap siding; sagging and badly worn composition roof with holes; rotted wood trim; and the 12 x 20 foot accessory structure is deteriorated.

With an active file since May 5, 2007, this property, there have been numerous Notices of Improvement and Notices of Violations issued. In 2007, OCI staff was notified that ownership of the property had changed. A Pre-condemnation Letter was sent to the new owner. Again in 2007, OCI staff was notified that the ownership had changed again.

Taxes for 2008 are delinquent in the amount of \$98.39. The premise has bulky waste, construction debris, and tree debris. Formal condemnation action was started on January 5, 2009. A building permit has been issued for work on the property, and some work has begun. The structure is now secure. Since 2002 through the present, Mr. Brown has had six properties in condemnation; one was demolished by the City; one was demolished by the owner; one was returned to regular Code Enforcement; and three remain open. On March 2, 2009, the Board approved a motion to give Mr. Brown sixty days to either bring the property into compliance or sell the property. At the May

2009 hearing, Mr. Brown told the Board that he had sold the property to Mr. Moore, and the Board granted an additional sixty days for Mr. Moore to bring the property into code compliance.

Mr. Moore explained that he had been working on another property besides 1348 N. Green. He told the Board that he had completed the roof on North Green, and he had a dumpster on site to remove the debris. He added that someone had been contracted to paint the structure beginning the following day, and all repairs should be completed by mid-week.

Board Member Banuelos made a motion to allow thirty days for Mr. Moore to complete the repairs to 1348 N. Green, maintaining the site in a clean and secure condition in the meantime. Board Member Hartwell seconded the motion., The Board approved the motion.

At the September 14, 2009, BCSA hearing there was no representative present on behalf of this property.

Mr. Edmond Brown, former owner of the property, provided a Transfer of Deed showing that the property was sold to Arthur L. Baker.

Board Member Banuelos made a motion to defer action on the property until the October hearing in order to allow the new owner to address the Board. Board Member Hartwell seconded the motion. The motion passed.

At the October 5, 2009, BCSA hearing there was no one present as a representative for this property.

At the September 14, 2009, meeting, the former owner of this property, Edmond Brown, brought in a Transfer of Title showing that he had sold the property. At that time, the Board approved a motion for Central Inspection staff to notify the new owner to appear at the October 5, 2009, hearing to apprise the Board of a plan of action for this property. The owner was notified by letter and in person.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin demolition, and ten days to complete demolition. Board Member Hartwell seconded the motion. The motion carried.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 936 N. HOLYOKE

**LEGAL DESCRIPTION: LOTS 7 AND 8, HOLYOKE AVENUE, HYDE AND ELLIS
ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.**

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 24 x 34 feet in size. Vacant for at least 1 year, this structure has cracking, shifting, caving concrete block basement walls, with missing blocks; badly worn composition roof, with missing shingles; deteriorating front porch; rotted roof decking, wood trim and rafter tails; and the 14 x 16 foot accessory garage is dilapidated, with holes in roof at risk of collapsing.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. The building has parts, which are so attached that they may fall and injure other property or the public.

D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP # 2

ADDRESS: 936 N. HOLYOKE

ACTIVE FIELD FILE STARTED: August 22, 2007

NOTICE(S) ISSUED: Since August 22, 2007 a notice of improvement and two violation notices have been issued. On April 20, 2009, Mr. Brown was contacted by OCI staff regarding the sale of this property. He advised that it should be sold within the next two weeks.

PRE-CONDEMNATION LETTER: April 22, 2008

TAX INFORMATION: The 2008 taxes are delinquent in the amount of \$296.71, which includes interest.

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Clean

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: Nuisance abatement on December 4, 2003 in the amount of \$349.57.

POLICE REPORT: There have been twenty-seven reported police incidents at this location including murder negligent manslaughter, aggravated battery drive-by (2), auto theft recovered damaged, battery (2), draw deadly weapon, transport open container, runaway, other destruction of property, lost miscellaneous property (3), miscellaneous report (2), attempt to locate person/s, miscellaneous officers (3), larceny b auto accessories, larceny b all other, auto theft no recovered, possession of firearm by a felon, child endangerment, unlawful possession narcotics, disturb the peace phone call domestic violence and violation road and driving laws speeding,

FORMAL CONDEMNATION ACTION INITIATED: January 5, 2009

RECENT DEVELOPMENTS: At the September 14, 2009, BCSA hearing it was reported that no repairs had been made and severe foundation issues still remained unchanged. On September 23, 2009, new owner, Arthur L. Brown contacted OCI staff regarding this property. He was informed of the BCSA hearing scheduled for October 5, 2009. The condemnation process was explained and he was provided a copy of the Notice of Violations. As of November 17, 2009, no repairs have been made and it is unsecure with an open front window.

OWNER'S PAST CDM HISTORY: This property owner currently has two properties in condemnation.

BOARD OF C.S.&A. RECOMMENDATION: At the March 2, 2009 BCSA hearing the owner of the property, Edmond Brown, was in attendance.

Mr. Brown told the Board that he had a buyer for the property, and he expected to have the transaction completed within sixty days.

Board Member Coonrod made a motion to allow sixty days for the property to be sold. In the event that the property is not sold or brought into minimum code compliance within that timeframe, the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the razing. Board Member Hentzen seconded the motion. The motion carried.

At the May 4, 2009 BCSA hearing Mr. Edmond Brown and Mr. Willis Moore were present to represent this property.

The taxes are current and there are no Special Assessments against the property. There are tall grass and weeds, bulky waste, tree waste, and scattered debris on the premise. The structure is not secure.

Mr. Brown informed the Board that he had sold the property to Mr. Willis Moore along with the property at 1348 N. Green. Mr. Moore anticipated that he would have the repairs made within ninety days.

Board Member Harder made a motion to allow sixty days for the exterior of the property to be brought into minimum code compliance, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion passed.

At the July 13, 2009, BCSA hearing Edmond Brown (seller) and Willis Moore (buyer) were present on behalf of this property.

An active file was started on this property on August 22, 2007. The taxes for 2008 are delinquent in the amount of \$273.08. There is an active building permit on this property; however, the workmanship has not been high quality (rotted wood has been painted over; the foundation is shifting; the front porch is severely leaning). At the March 2, 2009, hearing, the Board granted sixty days to either sell the property or bring it into code compliance. An additional sixty-day extension was granted to Mr. Moore at the May 4, 2009, hearing when Mr. Brown and Mr. Moore appeared and informed the Board that Mr. Moore had purchased the property.

Addressing the Board, Mr. Moore said that all repairs had been completed. The house, Mr. Moore told the Board, had been decked and reroofed, and the structure had been painted.

Chairman Murabito pointed out from recent pictures taken by OCI staff, very little had been done other than some painting. (The picture provided by OCI staff, taken on July 1, 2009, showed a leaning porch; shifting and cracked foundation; and an area of the roof still in need of repair.) Chairman Murabito and Board Member Harder suggested that Mr. Moore contact OCI staff and request a site visit where staff could clarify the needed repairs.

Board Member Harder made a motion to allow thirty days for the property to be brought into compliance, maintaining the site in a clean and secure condition. Board Member Coonrod seconded the motion. The motion was unanimously approved.

At the September 14, 2009, BCSA hearing there was no representative present on behalf of this property.

Mr. Edmond Brown, former owner of the property, provided a Transfer of Deed showing that the property was sold to Arthur L. Baker.

Board Member Banuelos made a motion to defer action on the property until the October hearing in order to allow the new owner to address the Board. Board Member Hartwell seconded the motion. The motion passed.

At the October 5, 2009, BCSA hearing there was no representative present on behalf of this property.

At the September 14, 2009, meeting, the former owner of this property, Edmond Brown, brought in a Transfer of Title showing that he had sold the property. At that time, the Board approved a motion for Central Inspection staff to notify the new owner to appear at the October 5, 2009, hearing to apprise the Board of a plan of action for this property. The owner was notified by letter and in person.

Board Member Coonrod made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin demolition, and ten days to complete demolition. Board Member Hartwell seconded the motion. The motion carried.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 1652 S. GREENWOOD

LEGAL DESCRIPTION: LOTS 41 AND 43, GARDNERS SUBDIVISION, WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 28 x 28 feet in size. Vacant and open, this structure has badly shifting and cracking concrete block walls; deteriorated rear porch; rotted and missing fascia; deteriorated 20 x 20 foot detached garage and 8 x 8 foot metal shed; and the 6 x 10 foot storage shed is dilapidated.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.**
- D. The building has parts, which are so attached that they may fall and injure other property or the public.**
- E. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 1652 S. GREENWOOD

ACTIVE FIELD FILE STARTED: December 11, 2000

NOTICE(S) ISSUED: Since December 11, 2000, numerous notice of improvements and violation notices have been issued. In June 2004, some repairs progressed resulting in two violations being cleared. In August 2008, OCI staff was notified that the property had been sold. Since the sale of the property, no repairs have been made

PRE-CONDEMNATION LETTER: June 8, 2009

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: There is a pending special assessment for lot cleanup in the amount of \$1,147.70.

PREMISE CONDITIONS: A trailer and the garage are filled with bulky waste.

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: Lot cleanup on July 23, 2009 in the amount of \$1,147.70.

POLICE REPORT: There have been eleven reported police incidents at this location including aggravated assault stabbing/cutting, disturb the peace phone call, other traffic violation hit and run, other destruction of property, found miscellaneous property, miscellaneous report (3), other vehicle fixed object, aggravated assault clubbing and larceny b bike.

FORMAL CONDEMNATION ACTION INITIATED: August 14, 2009

RECENT DEVELOPMENTS: No repairs have been made. The main structure is unsecure with open rear windows. Both accessory structures are unsecure. On November 18, 2009, OCI staff was contacted by property owner, Christina Clark who advised the property was purchased at tax sale in August 2007. She indicated that she had received numerous mailings from OCI but thought that her cousin was taking care of the property. She indicated that she is in the process of working with another individual on a fix to own type system. She asked if this person could speak on her behalf at the upcoming City Council hearing scheduled for December 8, 2009. She was informed it would be useful to provide a notarized letter indicating her wishes. She was not sure if she would be attending the City Council hearing.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the October 5, 2009, BCSA hearing no representative attended the hearing.

Board Member Harder made a motion to refer the property to the City Council with a

recommendation of condemnation, with ten days to begin demolition, and ten days to complete removal of the structure. Board Member Willenberg seconded the motion. The motion passed.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 1004 E. BAYLEY

LEGAL DESCRIPTION: LOTS 46 AND 48, ON WASHINGTON AVENUE, IN LINCOLN STREET ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, EXCEPT THAT PART FOR HIGHWAY PURPOSES

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 42 x 24 feet in size. Vacant and open, this structure has cracked and missing asbestos siding; rotted wood trim, soffits and fascia; and the 15 x25 foot accessory structure is in deteriorated and the 15 x 20 foot detached garage is dilapidated.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.**
- D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 1004 E. BAYLEY

ACTIVE FIELD FILE STARTED: September 2, 2005

NOTICE(S) ISSUED: Since September 2, 2005, a notice of improvement and several violation notices have been issued. A Uniform Criminal Complaint has been issued regarding this property and it has been the subject of Neighborhood Court. On November 10, 2009, OCI staff completed an emergency board-up on this property at a cost of \$725.92.

PRE-CONDEMNATION LETTER: June 16, 2009

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: There is a pending special assessment for weed cutting in the amount of \$120.24.

PREMISE CONDITIONS: Tall weeds, tree saplings, bulky waste and a vehicle inside the garage.

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: Lot cleanup on January 5, 2009 in the amount of \$1,792.25 and weed mowing on July 22, 2009 in the amount of \$120.24. Weed mowing on November 13, 2009 in the amount of \$120.24 invoice pending.

POLICE REPORT: There have nine reported police incidents at this location including evade police, other traffic violation hit and run, other traffic violation impounded auto, mother vehicle fixed object (2), burglary residence (2), miscellaneous report and suspicious character other.

FORMAL CONDEMNATION ACTION INITIATED: August 14, 2009

RECENT DEVELOPMENTS: No repairs have been made. The secondary structure and accessory structures are unsecure.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the October 5, 2009, BCSA hearing there was no one present to represent this property.

Board Member Harder made a motion to submit the property to the City Council, recommending condemnation, with ten days to begin wrecking the structure, and ten days to finish the demolition. Board Member Coonrod seconded the motion. The motion was approved.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 1531 N. MINNESOTA

**LEGAL DESCRIPTION: LOTS 21 AND 23, BLOCK 2, OHIO ADDITION, WICHITA,
SEDGWICK COUNTY, KANSAS**

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 40 x 32 feet in size. Vacant for at least 6 years, this structure has missing woodlap siding; deteriorated front porch; missing fascia and missing windows.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 1531 N. MINNESOTA

ACTIVE FIELD FILE STARTED: February 26, 2003

NOTICE(S) ISSUED: Since February 26, 2003, numerous notice of improvements and violation notices have been issued. OCI staff completed emergency board-ups on June 13, 2006 in the amount of \$71.59, October 18, 2008, in the amount of \$239.27 and November 30, 2008, in the amount of \$192.01. As of June 2, 2009, there is an open Neighborhood Nuisance Enforcement case on this property.

PRE-CONDEMNATION LETTER: October 7, 2008

TAX INFORMATION: The 2005, 2006, 2007 and 2008 taxes are delinquent in the amount of \$3,591.10, which includes specials and interest. It is in tax foreclosure.

COST ASSESSMENTS/DATES: There is a 2009 special assessment for weed cutting and board-up in the amount of \$689.93, which includes interest. There is a pending special assessment for weed cutting in the amount of \$120.24.

PREMISE CONDITIONS: Bulky waste, tall grass, and miscellaneous debris.

VACANT NEGLECTED BUILDING REPORT: Open case

NUISANCE ABATEMENT REPORT: Lot cleanup on September 5, 2005 in the amount of \$682.85, weed mowing on January 3, 2006 in the amount of \$101.64, lot cleanup on June 7, 2007 in the amount of \$964.72, weed mowing on June 25, 2008 in the amount of \$114.99, weed mowing on September 2, 2008 in the amount of \$120.24 and weed mowing on June 4, 2009 in the amount of \$120.24.

POLICE REPORT: There have been twenty-seven reported police incidents at this location including aggravated assault firearms shots, aggravated assault clubbing (2), burglary residence (3), unlawful possession narcotics, runaway, destruction to auto, lost miscellaneous property (3), miscellaneous report (7), miscellaneous officers (2), field interview/observation, knock and talk, battery domestic violence, unlawful possession of marijuana, other drivers license violation and lost miscellaneous property.

FORMAL CONDEMNATION ACTION INITIATED: August 14, 2009

RECENT DEVELOPMENTS: No repairs have been made. It is unsecure due to window cutouts on southwest corner.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the October 5, 2009, BCSA hearing there was no representative for this property in attendance.

Board Member Harder made a motion to send the property before the City Council with a recommendation of condemnation, with ten days to initiate the demolition of the structure, and ten days to complete the razing. Board Member Coonrod seconded the motion. The motion was unanimously approved.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 1

ADDRESS: 1728 N. FAIRMOUNT

LEGAL DESCRIPTION: LOTS 24 AND 26 ON FAIRMOUNT AVENUE, AN ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A three story frame dwelling about 29 x 58 feet in size. Vacant for at least 1 year, this structure has been badly damaged by fire; it has a shifting and cracking concrete block foundation; missing and fire damaged siding; and the wood trim and framing members are fire damaged.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 1728 N. FAIRMOUNT

ACTIVE FIELD FILE STARTED: October 9, 2006

NOTICE(S) ISSUED: Since October 9, 2006, a notice of improvement and numerous violation notices have been issued. On October 3, 2007 and December 4, 2007, stop work orders were placed on this property. On March 15, 2009, OCI staff was notified that a fire had occurred at the property causing extensive damage. On September 4, 2009, OCI Superintendant and two inspectors had a conference call with Mr. James who is the maintenance person for this property. It was requested that a structural engineering report, architectural drawings and plans be obtained and submitted to OCI by September 30, 2009.

PRE-CONDEMNATION LETTER: June 8, 2009

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Large tree limb in front yard otherwise clean.

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: None

POLICE REPORT: There have been thirty-three police incidents reported at this location including robbery from person, burglary residence (5), burglary residence no force (2), battery, embezzled property non employee, fraud other, drive under influence, destruction to auto, other destruction of property (4), lost miscellaneous property (3), miscellaneous report, attempt to locate person/s, suspicious character other, larceny b all other, larceny b from building, larceny off road vehicle/trailer/construction equipment, disturb the peace phone call, non injury accident under \$1000, larceny b auto accessories and larceny b from auto.

FORMAL CONDEMNATION ACTION INITIATED: August 14, 2009

RECENT DEVELOPMENTS: On November 13, 2009, OCI staff inspected property noting siding repairs were being made. Structure was open due to repairs in progress. A building permit was issued on November 9, 2009, for structural and siding repairs.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the October 5, 2009, BCSA hearing no one attended the hearing as a representative of this property.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to start wrecking the building and ten days to finish the removal. Board Member Willenberg seconded the motion. The motion carried.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 3

ADDRESS: 3676 E. CESSNA

LEGAL DESCRIPTION: LOT 13, BLOCK B, PLANEVIEW SUBDIVISION NO 1, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 65 x 24 feet in size. Vacant for at least 8 months, this structure has a shifting wood pier foundation; chipped and missing asbestos siding; sagging, badly deteriorated composition roof, with holes, and missing shingles; rotted wood trim and fascia; and the west side porch is rotted.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.

C. The building has parts, which are so attached that they may fall and injure other property or the public.

D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 3676 E. CESSNA

ACTIVE FIELD FILE STARTED: October 25, 2001

NOTICE(S) ISSUED: Since October 25, 2001, numerous notice of improvements and violation notices have been issued. Environmental cases were opened on February 7, 2008 and April 18, 2008. On August 11, 2009 a Tall Grass and Weeds case was opened. These cases have been closed due to compliance from the owner.

PRE-CONDEMNATION LETTER: August 5, 2009

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Bulky waste and tree debris.

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: None

POLICE REPORT: There have been ten reported police incidents at this location including burglary residence, battery (3), aggravated indecent liberties, disturb the peace phone call, larceny b all other, battery domestic violence, destruction to auto and miscellaneous officers.

FORMAL CONDEMNATION ACTION INITIATED: August 14, 2009

RECENT DEVELOPMENTS: On November 5, 2009, a building permit was issued for reroof and siding. As of November 13, 2009, the roof has been replaced all other violations still remain unmet. Unsecure with open north window.

OWNER'S PAST CDM HISTORY: This owner previously had three properties in condemnation. Two were returned to regular code enforcement and one was demolished by owner.

BOARD OF C.S.&A. RECOMMENDATION: At the October 5, 2009, BCSA hearing no one attended the hearing as a representative for this property.

Board Member Coonrod made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to initiate razing of the structure and ten days to complete the removal. Board Member Crotts seconded the motion. The motion was approved.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

DATE: November 19, 2009

CDM SUMMARY

COUNCIL DISTRICT # 4

ADDRESS: 1448 S. HANDLEY

LEGAL DESCRIPTION: LOTS 17, 18 AND 19, BLOCK 15, FRANKLIN YIKE ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

DESCRIPTION OF STRUCTURE: A one story frame dwelling about 40 x 72 feet in size. Vacant and open, this structure has a cracking concrete foundation; rotted and missing wood siding; missing composition shingles, missing roof on south and east sides; deteriorated front porch; rotted wood trim and framing members, and rotted and missing soffits and fascia.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.**
- D. The building has parts, which are so attached that they may fall and injure other property or the public.**
- E. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

Superintendent of Central Inspection
Enforcing Officer

Date

DATE: November 19, 2009

BCSA GROUP #

ADDRESS: 1448 S. HANDLEY

ACTIVE FIELD FILE STARTED: January 18, 1994

NOTICE(S) ISSUED: Since January 18, 1994, numerous notice of improvements and violation notices have been issued. There have been several Uniform Criminal Complaints issued regarding this property. It has been the subject of Neighborhood Court and District Court. The Wichita Police Department has been contacted regarding issues associated with this property on several occasions. On February 24, 2009, the owner of this property shot at Wichita Police Department personnel. In past there have been three Environmental cases associated with this property. OCI currently has four open cases on this property including; Housing Complaint case, Neighborhood Nuisance Enforcement case, Zoning Complaint case (no mobile home park license) and Zoning Complaint case (block and tie down not completed on manufactured home). It should be noted that the owner of this property has requested OCI staff leave his property on more than one occasion. He has posted no trespassing signs and barricaded the property, therefore; making it difficult for OCI staff to perform inspections.

PRE-CONDEMNATION LETTER: April 3, 2009

TAX INFORMATION: Current

COST ASSESSMENTS/DATES: None

PREMISE CONDITIONS: Three inoperable vehicles and salvage material.

VACANT NEGLECTED BUILDING REPORT: None

NUISANCE ABATEMENT REPORT: None

POLICE REPORT: There have been fifteen reported police incidents at this location including disturb the peace phone call, disorderly conduct other, destruction to auto, lost juvenile male, lost miscellaneous property, miscellaneous report (3), suspicious character other (2), larceny b all other (2), city code nuisance violation, mental cases and larceny b from auto.

FORMAL CONDEMNATION ACTION INITIATED: August 14, 2009

RECENT DEVELOPMENTS: No repairs have been made. Since staff is unable to obtain access to the entire premises, unknown if secured.

OWNER'S PAST CDM HISTORY: None

BOARD OF C.S.&A. RECOMMENDATION: At the October 5, 2009, BCSA hearing there was no representative for this property present at the hearing.

Board Member Harder made a motion to send the property before the City Council with a recommendation of condemnation, with ten days to start demolition and ten days to finish the removal of the structure. Board Member Murabito seconded the motion. The motion passed.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

City of Wichita
City Council Meeting
December 8, 2009

To: Mayor and City Council

Subject: ZON2009-00032 - City zone change from B Multi-family Residential (“B”) to GC General Commercial (“GC”) with a Protective Overlay (“PO”); generally located west of Broadway Avenue and south of 29th Street North. (District VI)

Initiated By: Metropolitan Area Planning Department

Agenda: Planning (Consent)

MAPC Recommendation: Approve unanimously (11-0), subject to the provisions of Protective Overlay #238 and platting within one year.

MAPD Staff Recommendation: Approve, subject to the provisions of Protective Overlay #238 and platting within one year.

DAB VI Recommendation: Approve (4-1), subject to the provisions of Protective Overlay #238 and platting within one year.



Background: The applicant requests a zone change from B Multi-family Residential (“B”) to GC General Commercial (“GC”), with a Protective Overlay (“PO”) on the approximately 5.46-acre unplatted, undeveloped tract. The site is located midway between Arkansas and Broadway Avenues, both minor arterial roads. Access to the site is off of 29th Street North, a paved, four-lane minor arterial. Fairview Avenue, a paved two-lane residential street, abuts the east side of the site.

The surrounding area is characterized by a mix of uses including: office-warehouses, a full service restaurant and tavern (Cortez), a bingo parlor, a small grocery, auto repair, single-family residences (built 1940s to 1990s) and undeveloped land. Most of the property located along the south side of 29th Street North, between Arkansas and Broadway Avenues, is zoned GC or LI Limited Industrial (“LI”), with the exception of several B zoned properties (including this site, which is larger than all the other B zoned properties) and a GI General Industrial (“GI”) zoned one-half block. Most of the SF-5 zoned property in the area is located on the north side of 29th Street North and is developed as single-family residences. However, immediately north of the site, across 29th Street North are: a GC zoned tavern/full service restaurant (CON2008-49), a self storage warehouse, a bingo parlor and a grocery. The abutting property to the south of the subject site is zoned TF-3 Two-family Residential (“TF-3”) and is a partially developed single-family residential subdivision; Meadow Creek, recorded on February 15, 1995. Southern, adjacent B zoned properties are also developed as single-family residences. Properties adjacent to the west side of the site (across a drainage channel) are single-family residences with their sites being split with LC and SF-5 zoning. One of these residences is zoned GC. An auto repair garage abuts the northwest side of the site. Properties abutting and adjacent to the east side of the site are zoned B and LI. These abutting B zoned properties are developed as three (3) single-family residences and an undeveloped single-family residential sized tract. The eastern, adjacent LI zoned properties (across Fairview Avenue) are developed as several office/warehouses and a few nonconforming single-family residences.

To buffer the abutting and adjacent existing single-family residences from commercial redevelopment on the site, the applicant has proposed a Protective Overlay (PO). The proposed PO limits signage, lighting, noise, building height and development standards. The proposed PO also prohibits certain uses that are less compatible with the abutting and adjacent single-family residential development.

Analysis: At the DAB VI meeting held on November 2, 2009, the DAB recommended approval (4-1) of the requested GC zoning, subject to the provisions of the PO and platting within one year. No one from the neighborhood spoke in opposition at the DAB meeting. At the MAPC meeting held on November 5, 2009, the MAPC voted (11-0) to approve the requested GC zoning, subject to the provisions of the PO and platting within one year. There were not any protests to the request at the MAPC meeting and there have been not been any protests recorded for the requested zoning change.

The approved provisions of PO #238:

- A. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted along the face of any building that is adjacent to any property that is zoned residential.
- B. Signs shall be in accordance with the City of Wichita sign code, with the exception that signs shall be monument-style.
- C. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 20 feet. Light poles shall not be located within any setbacks.
- D. Outdoor speakers and sound amplification systems shall not be permitted.
- E. No buildings shall exceed one story in height with a maximum building height of 45 feet.
- F. At the time the site is redeveloped the owner shall install and/or maintain 6-8-foot solid screening located parallel to the south, west and east property lines of the subject site, where it abuts and is adjacent to existing residential zoning.
- G. At the time the site is redeveloped landscaping shall be installed that meets the Landscape Ordinance.
- H. All driveways, parking, loading and vehicle circulation shall be paved with concrete, asphalt or asphaltic concrete.

- I. A 35-foot setback shall run parallel to the east, west and south sides of the property.
- J. The following uses shall not be permitted: group residence, limited and general, correctional placement residence, private and public recycling stations, recycling processing center, reverse vending machine, hotel – motel, kennels, recreational marine facility, night club, commercial parking, pawnshop, indoor and outdoor recreation, recreational vehicle campground, riding academy or stable, rodeo, sexually orientated business, tattooing or body piercing, tavern/drinking establishment, outdoor vehicle and equipment sales, limited and general asphalt or concrete plant, gas and/or fuel storage and sales, general manufacturing, mining or quarrying, rock crushing, solid waste incinerator, outdoor storage and vehicle storage yard.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay #238 and subject to the condition of platting within one year of approval by the governing body; instruct the Planning Department to forward the ordinance for first reading when the plat is recorded.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

Attachment: None.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2009-00032

Zone change from B Multi-family Residential ("B") to General Commercial ("GC") subject to the provisions of Protective Overlay #236 and platting one year of approval by the governing body on property described as:

Parcel 1: A tract beginning 269 feet West of the Northeast corner of the West half of the Northeast Quarter; thence South to the North line of McBride Addition; thence East to the street on the North to the North line; thence West to beginning, EXCEPT the East 184 feet of the North 210 feet and EXCEPT the North 410 feet of the East 150 feet, Section 5, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

Parcel 2: Beginning 269 feet West of the Northeast corner of the West half of the Northeast Quarter; thence West to the center line of the creek; thence Southerly along said creek to a point South of the beginning; thence North 1164 feet to beginning, EXCEPT canal and EXCEPT The North 210 feet of the East 100 feet and EXCEPT McBride Addition and EXCEPT that part platted as Meadow Creek Addition, Section 5, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

Parcel 3: Beginning 269 feet West of the Northeast corner of the West half of the Northeast Quarter; thence West 100 feet; thence South 210 feet; thence East 100 feet; thence North to beginning Section 5, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; all generally located west of Broadway Avenue, and southwest of the 29th Street North and Fairview Avenue intersection.

SUBJECT TO APPROVAL BY THE GOVERNING BODY, PLATTING WITHIN ONE YEAR OF THAT APPROVAL, AND THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #238:

- A. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted along the face of any building that is adjacent to any property that is zoned residential.

- B. Signs shall be in accordance with the City of Wichita sign code, with the exception that signs shall be monument-style.
- C. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 20 feet. Light poles shall not be located within any setbacks.
- D. Outdoor speakers and sound amplification systems shall not be permitted.
- E. No buildings shall exceed one story in height with a maximum building height of 45 feet.
- F. At the time the site is redeveloped the owner shall install and/or maintain 6-8-foot solid screening located parallel to the south, west and east property lines of the subject site, where it abuts and is adjacent to existing residential zoning.
- G. At the time the site is redeveloped landscaping shall be installed that meets the Landscape Ordinance.
- H. All driveways, parking, loading and vehicle circulation shall be paved with concrete, asphalt or asphaltic concrete.
- I. A 35-foot setback shall run parallel to the east, west and south sides of the property.
- J. The following uses shall not be permitted: group residence, limited and general, correctional placement residence, private and public recycling stations, recycling processing center, reverse vending machine, hotel – motel, kennels, recreational marine facility, night club, commercial parking, pawnshop, indoor and outdoor recreation, recreational vehicle campground, riding academy or stable, rodeo, sexually orientated business, tattooing or body piercing, tavern/drinking establishment, outdoor vehicle and equipment sales, limited and general asphalt or concrete plant, gas and/or fuel storage and sales, general manufacturing, mining or quarrying, rock crushing, solid waste incinerator, outdoor storage and vehicle storage yard.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

DIANE MILLER said they have 7 children and numerous boyfriends and girlfriends and that they have been doing automotive work for their kids, family and next of kin. She said there are nine people driving cars in their family and that's why there are so many spare cars parked by the building. She said once they were notified that they did not have the right zoning, they shut down, pulled all of their signs, and every advertisement.

B. JOHNSON asked if it would make any difference if the applicants built an access road off of 73rd Street west to the building so their clients would not go down the private road.

MILLER commented that based on the testimony, it seems that would be more preferable, based on neighbors concerns.

FOSTER asked if phase 1 is disapproved, will that preclude the Miller's from assisting their relatives in terms of automobile repairs.

MILLER said he would let County Code Enforcement answer that, since they would address any complaints.

KELLY DIXON, COUNTY CODE ENFORCEMENT said the code addresses operation of businesses for car repair. He said as far as he knew, you can work on your own car or a family member's car without zoning.

B. JOHNSON asked what the requirements were for the existing building to be up to code for them to occupy it.

DIXON said the building code adopted by Sedgwick County for commercial businesses covers items such as electrical, plumbing, Americans with Disabilities Act, restrooms, and other items, etc.

DIRECTOR SCHLEGEL clarified that the motion included the conditions of approval listed in the Staff Report.

It was clarified that the Miller's could work on their own or family vehicles at the residence.

MOTION: To approve subject to staff recommendation.

DOWNING moved, **MITCHELL** seconded the motion, and it carried (11-0).

5. **Case No.: ZON2009-32** - Walter Palmer (owner/applicant) KE Miller Engineering, PA, c/o Kirk Miller (agent) Request City zone change from B Multi-family to GC General Commercial on property described as:

Parcel 1: A tract beginning 269 feet West of the Northeast corner of the West half of the Northeast Quarter; thence South to the North line of McBride Addition; thence East to the street on the North to the North line; thence West to beginning, EXCEPT the East 184 feet of the North 210 feet and EXCEPT the North 410 feet of the East 150 feet, Section 5, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

Parcel 2: Beginning 269 feet West of the Northeast corner of the West half of the Northeast Quarter; thence West to the center line of the creek; thence Southerly along said creek to a point South of the beginning; thence North 1164 feet to beginning, EXCEPT canal and EXCEPT The North 210 feet of the East 100 feet and EXCEPT McBride Addition and EXCEPT that part

platted as Meadow Creek Addition, Section 5, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

Parcel 3: Beginning 269 feet West of the Northeast corner of the West half of the Northeast Quarter; thence West 100 feet; thence South 210 feet; thence East 100 feet; thence North to beginning Section 5, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, generally located south of 29th Street North and west of Fairview Avenue.

BACKGROUND: The applicant requests a zone change from B Multi-family Residential ("B") to GC Limited Commercial ("GC"), with a Protective Overlay ("PO") on the approximately 5.46-acre unplatted, undeveloped tract. The site is located midway between Arkansas and Broadway Avenues, both minor arterial roads. Access to the site is off of 29th Street North, a paved, four lane minor arterial. Fairview Avenue, a paved two lane residential street, abuts the east side of the site.

The surrounding area is characterized by a mix of uses including: office-warehouses, a full service restaurant and tavern (Cortez), a bingo parlor, a small grocery, auto repair, single-family residences (1940s -1990s) and undeveloped land. Most of the property located along the south side of 29th, between Broadway and Arkansas, is zoned GC or LI Limited Industrial ("LI"), with the exception of several B zoned properties (including the site, which is larger than all the other B zoned properties), a GI General Industrial ("GI") zoned ½-block and SF-5 Single-family Residential ("SF-5") zoned portions of LC Limited Commercial ("LC") zoned single-family residences. These SF-5 portions of lots/single-family residences that are zoned mostly LC, abuts the drainage canal that runs parallel to the west side of the site. All the remaining SF-5 zoned property in the area is located on the north side of 29th. Immediately north of the site, across 29th, are: a GC zoned tavern/full service restaurant (CON2008-49), a self storage warehouse, a bingo parlor, a grocery and SF-5 zoned single-family residences. The abutting property to the south of the subject site is zoned TF-3 Two-family Residential ("TF-3") and is a partially developed single-family residential subdivision; Meadow Creek, recorded February 15, 1995. Southern, adjacent B zoned properties are also developed as single-family residences. Properties adjacent to the west side of the site are the already noted single-family residences zoned LC with their east portions zoned SF-5, and one zoned GC. As already noted, there is a drainage canal separating these single-family residences from the subject site. An auto repair garage abuts the northwest side of the site. Properties abutting and adjacent to the east side of the site are zoned B and LI. The abutting B zoned properties are developed as three (3) single-family residences and an undeveloped residential sized tract. The adjacent LI zoned properties (across Fairview) are developed as several office - warehouses and a few nonconforming single-family residences.

To buffer the abutting and adjacent existing single-family residences from the commercial redevelopment on the site, the applicant has proposed a Protective Overlay (PO). The proposed PO limits signage, lighting, noise, building height and development standards. The proposed PO also prohibits certain uses that are less compatible with the abutting and adjacent single-family residential development.

CASE HISTORY: The subject property is an undeveloped, unplatted tract. The subject site and the abutting southern property were part of a zone change request, Z-3122, from B and E Light Industrial ("E") to A Two-family Residential ("A"), which was approved by the MAPC and Council in 1994, subject to platting. At the time of the zoning case the subject site was vacant. The abutting south property (originally zoned E) was platted as the Meadow Creek Addition, (recorded February 15, 1995) while the subject site was never platted, thus the TF-3 zoning abutting the south side of the B zoned subject site. The area was annexed into the City between 1961 and 1970.

ADJACENT ZONING AND LAND USE:

NORTH:	GC, SF-5	Full service restaurant/tavern, bingo parlor, grocery, self storage warehouse, single-family residences
SOUTH:	TF-3, LI, B	Single family residences
EAST:	B, LI, GC,	Single-family residences, office-warehouses

WEST: SF-5, LC, GC Auto repair, drainage canal, single-family residences

PUBLIC SERVICES: The subject site has frontage/access to 29th Street North, a paved, curbed four-lane minor arterial. The site also has access to Fairview Avenue, a paved two residential street. The 2030 Transportation Plan indicates no change to the status of 29th. Traffic counts along 29th between Arkansas and Broadway Avenues (both minor arterials) range from 7,457-6,391 average trips per day. CIPs are scheduled for both the Arkansas – 29th and Broadway – 29th intersections, probably beyond 2012. All utilities are available to the subject site.

CONFORMANCE TO PLANS/POLICIES: The 2030 *Wichita Functional Land Use Guide of the Comprehensive Plan* designates this area as appropriate for “Urban Residential” development. The Urban Residential category includes all housing types found in the municipality. Although the requested GC zoning does permit by-right all types of residential development, it also permits commercial development, which is not included in the Urban Residential category. The requested GC zoning would permit uses found in the “Regional Commercial” category that are characterized as “...major destination areas containing concentrations of commercial, office and personal services that have predominately regional market areas and high volumes of retail traffic...are located in close proximity to major arterials or freeways...ranges of uses include major retail malls, major automobile dealerships, and big box retail...” There is not any concentration of development in the area that is a regional draw or which draws high volumes of retail traffic. The site’s location is off of a minor arterial, midway between two other minor arterials. The existing GC zoned development in the area is more local commercial in character: full service restaurant and tavern, a bingo parlor, a small grocery and a self-storage mini warehouse. The area’s existing LI zoned development is mostly office-warehouse, of a moderate scale.

The location of the site and the development around it makes it more of a match for the “Local Commercial” category, although its size, 5.46-acres, would probably make it the largest GC or LI zoned site in the area. The uses found in the Local Commercial category include “...concentrations of commercial, office and personal services that do not have significant regional market draw...ranges of uses include medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants, personal services...may also include mini warehouse storage and small scale light manufacturing.” The existing uses in the area match the Local Commercial category. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The site has frontage on a minor arterial and the proposed PO addresses site design features and prohibits certain uses that are less compatible with the development of the area.

RECOMMENDATION: The site’s requested GC zoning does not conform to the 2030 *Wichita Functional Land Use Guide of the Comprehensive Plan*. However the GC zoning with the proposed PO would allow development of the site for uses not out of character for the area’s sites with 29th Street frontage; local retail, some manufacturing, office-warehouses and some single-family residential. The requested zoning would still allow all types of residential development, although the B zoned site being vacant for at least the last 15 years, seems to indicate it has less appeal for residential development. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the platting within a year and the following provisions of a PO:

- A. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted along the face of any building that is adjacent to any property that is zoned residential.
- B. Signs shall be in accordance with the City of Wichita sign code, with the exception that signs shall be monument-style.
- C. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 20 feet. Light

- poles shall not be located within any setbacks.
- D. Outdoor speakers and sound amplification systems shall not be permitted.
 - E. No buildings shall exceed one story in height with a maximum building height of 45 feet.
 - F. At the time the site is redeveloped the owner shall install and/or maintain 6-8-foot solid screening located parallel to the south, west and east property lines of the subject site, where it abuts and is adjacent to existing residential zoning.
 - G. At the time the site is redeveloped landscaping shall be installed that meets the Landscape Ordinance.
 - H. All driveways, parking, loading and vehicle circulation shall be paved with concrete, asphalt or asphaltic concrete.
 - I. A 35-foot setback shall run parallel to the east, west and south sides of the property.
 - J. The following uses shall not be permitted: group residence, limited and general, correctional placement residence, private and public recycling stations, recycling processing center, reverse vending machine, hotel – motel, kennels, recreational marine facility, night club, commercial parking, pawnshop, indoor and outdoor recreation, recreational vehicle campground, riding academy or stable, rodeo, sexually orientated business, tattooing or body piercing, tavern/drinking establishment, outdoor vehicle and equipment sales, limited and general asphalt or concrete plant, gas and/or fuel storage and sales, general manufacturing, mining or quarrying, rock crushing, solid waste incinerator, outdoor storage and vehicle storage yard.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mix of uses including: office-warehouses, a full service restaurant and tavern (Cortez), a bingo parlor, a small grocery, auto repair, single-family residences (1940s -1990s) and undeveloped land. Most of the property located along the south side of 29th, between Broadway and Arkansas, is zoned GC or LI Limited Industrial ("LI"), with the exception of several B zoned properties (including the site, which is larger than all the other B zoned properties), a GI General Industrial ("GI") zoned ½-block and SF-5 Single-family Residential ("SF-5") zoned portions of LC Limited Commercial ("LC") zoned single-family residences. These SF-5 portions of lots/single-family residences that are zoned mostly LC, abut the drainage canal that runs parallel to the west side of the site. All the remaining SF-5 zoned property in the area is located on the north side of 29th. Immediately north of the site, across 29th, are: a GC zoned tavern/full service restaurant (CON2008-49), a self storage warehouse, a bingo parlor, a grocery and SF-5 zoned single-family residences. The abutting property to the south of the subject site is zoned TF-3 Two-family Residential ("TF-3") and is a partially developed single-family residential subdivision; Meadow Creek, recorded February 15, 1995. Southern, adjacent B zoned properties are also developed as single-family residences. Properties adjacent to the west side of the site are the already noted single-family residences zoned LC with their east portions zoned SF-5, and one zoned GC. As already noted, there is a drainage canal separating these single-family residences from the subject site. An auto repair garage abuts the northwest side of the site. Properties abutting and adjacent to the east side of the site are zoned B and LI. The abutting B zoned properties are developed as three (3) single-family residences and an undeveloped residential sized tract. The adjacent LI zoned properties (across Fairview) are developed as several office - warehouses and a few nonconforming single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The size of the B zoned site, 5.46-acres, is large enough to allow for a substantial single-family subdivision or apartment development. However the B zoned site has been vacant for at least the last 15 years, and that would seem to indicate it has less appeal for residential development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested GC zoning with the proposed PO would allow development of the site for uses not out of character for the area's sites with 29th Street frontage; local retail, some manufacturing, office-

warehouse and some single-family residential. However, the GC zoning with the proposed PO would allow development of the site for uses not out of character for the area's sites with 29th Street frontage; local retail, some manufacturing, office-warehouses and some single-family residential. The proposed PO addresses site design features and prohibits certain uses that are less compatible with the development of the area.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "Urban Residential" development. The Urban Residential category includes all housing types found in the municipality. Although the requested zoning GC does permit by-right all types of residential development, it also permits commercial development, which is not included in the Urban Residential category. The requested GC zoning would permit uses found in the "Regional Commercial" category such as "...major destination areas containing concentrations of commercial, office and personal services that have predominately regional market areas and high volumes of retail traffic...are located in close proximity to major arterials or freeways...ranges of uses include major retail malls, major automobile dealerships, and big box retail..." There are not any concentrations of development in the area that are a regional draw or which draws high volumes of retail traffic. The site's location is off of a minor arterial midway between two other minor arterials. The existing GC zoned development in the area is more local commercial: full service restaurant and tavern, a bingo parlor, a small grocery and a self-storage warehouse. The area's existing LI zoned development is mostly office-warehouse, of a moderate scale.

The location of the site and the development around it makes it more of a match for the "Local Commercial" category, although its size, 5.46-acres, would probably make it the largest GC or LI zoned site in the area. The uses found in the Local Commercial category; "...concentrations of commercial, office and personal services that do not have significant regional market draw...ranges of uses include medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants, personal services...may also include mini warehouse storage and small scale light manufacturing." The existing uses in the area match the Local Commercial category. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The site has frontage on a minor arterial and the proposed PO addresses site design features and prohibits certain uses that are less compatible with the development of the area.

5. Impact of the proposed development on community facilities: All utilities are available. Access controls, street, drainage and other infrastructure requirements will be established at the time of platting. It is recommended that access not be allowed to Fairview, a residential street. Some of the uses allowed in the proposed GC zoning and PO will generate less traffic than an apartment complex on the 5.47-acre site, although anything will generate more traffic than the undeveloped site and commercial uses are capable of generating significant average daily traffic volumes.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

MITCHELL moved, **B. JOHNSON** seconded the motion, and it carried (11-0).

6. Case No.: CON2009-27 - QuikTrip West Inc., Attn: Jake Sutton and Rodney Loyd, (Agent/Applicant(s)/Owner) Request City Conditional Use request to permit ancillary parking

**City of Wichita
City Council Meeting
December 8, 2009**

TO: Mayor and City Council

SUBJECT: SUB 2009-22 -- Plat of Maize 54 Addition, located on the north side of Kellogg Drive and east of Maize Road. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of three lots on 12.04 acres, is located in Wichita's city limits. A zone change (ZON 2008-68) from SF-5 Single-family Residential to LC Limited Commercial has been approved for this site. The Maize 54 Addition Community Unit Plan (CUP 2008-46/DP-318) has also been approved. A Notice of Community Unit Plan has been submitted identifying the approved CUP and its special conditions for development on this property.

Analysis: A Petition, 100 percent, and a Certificate of Petition have been submitted for drainage improvements. A Drive Approach Closure Certificate has been submitted in order to guarantee the closure of any driveway openings located in areas of complete access control. A Contingent Dedication for floodway purposes has also been submitted.

The plat has been approved by the Metropolitan Area Planning Commission, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Notice of Community Unit Plan, Certificate of Petition, Drive Approach Closure Certificate and Contingent Dedication will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the document and plat, authorize the necessary signatures, approve first reading of the Ordinance and adopt the Resolutions.

Attachments: Notice of Community Unit Plan, Certificate of Petition, Drive Approach Closure Certificate and Contingent Dedication, Ordinance and Resolutions.



Published in The Wichita Eagle on December 18, 2009

ORDINANCE NO. 48-569

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.**

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2008-68

Zone change request from SF-5 Single-family Residential to LC Limited Commercial, on property described as:

Lots 1, 2 and 3, Block A, Maize 54 Addition, Wichita, Sedgwick County, Kansas.

Generally located on the north side of Kellogg Drive and east of Maize Road.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 15 day of December, 2009.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law

First Published in the Wichita Eagle on December 11, 2009

RESOLUTION NO. 09-372

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90462 (NORTH OF KELLOGG, EAST OF MAIZE) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90462 (NORTH OF KELLOGG, EAST OF MAIZE) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90462 (north of Kellogg, east of Maize).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Sixty-Four Thousand Dollars (\$64,000) exclusive of the cost of interest on borrowed money, with 100 percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after November 1, 2009, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

MAIZE 54 ADDITION
Lots 1, 2 & 3, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lot 1, Block A MAIZE 54 ADDITION, shall pay 82/100 of the total cost of the improvement. Lot 2, Block A, MAIZE 54 ADDITION, shall pay 10/100 of the total cost of the improvement. Lot 3, Block A, MAIZE 54 ADDITION, shall pay 8/100 of the total cost of the improvement.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of December, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

First Published in the Wichita Eagle on December 11, 2009

RESOLUTION NO. 09-373

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 44, MAIN 1, COWSKIN INTERCEPTOR SEWER, (NORTH OF KELLOGG, EAST OF MAIZE) 468-84654 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 44, MAIN 1, COWSKIN INTERCEPTOR SEWER, (NORTH OF KELLOGG, EAST OF MAIZE) 468-84654 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 44, Main 1, Cowskin Interceptor Sewer, (north of Kellogg, east of Maize) 468-84654.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Fifty-Five Thousand Dollars (\$55,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after November 1, 2009 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TRACT A

Parcel 1A

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas described as Beginning at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 200 feet; thence S01°18'15"E, 275 feet; thence N88°20'30"E, 399.5 feet; thence N01°18'15"W, 275 feet; thence N88°20'30"E, 205.96 feet; thence S14°10'35"E, 401.95 feet to a point 40 feet North of the North line of U.S. 54 Highway as deeded on Film 2144, Page 1847; thence N74°04'48"E parallel with and 40 feet North of said U.S. 54 Highway, 258.59 to a point on the West line of Miles Lakewood Village Second Addition, Wichita Sedgwick County, Kansas; thence S01°28'11"E along the West line of said Miles Lakewood Village Second Addition, and Davis Moore 12th Addition, Wichita Sedgwick County, Kansas, 41.31 feet to a point on the North line of said U.S. 54 Highway; thence S74°04'48"W along said U.S. 54 Highway, 419.31 feet; thence S15°55'12"E, 125 feet; thence S71°17'23"W, 324.5 feet; thence S76°05'36"W, 210.7 feet; thence S83°50'05"W, 19.89 feet to the S.E. corner Lot 1, Block A, Quiktrip 10th Addition, Wichita, Sedgwick County, Kansas; thence N01°19'41"W, 236.41 feet to the N.E. corner of said Quiktrip 10th Addition; thence S88°12'33"W along the North line of said Quiktrip 10th and the

North line of Lot 1, Block A, Quiktrip 8th Addition, Wichita, Sedgwick County, Kansas, 236 feet to a bend point in the East line of said Quiktrip 8th Addition; thence N01°18'15"W along the East line of said Quiktrip 8th Addition and said Kansas State Bank Addition, 500 feet to the point of beginning.

Said tract contains 414,279 square feet more or less.

TRACT B

Parcel 1B

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas described as Commencing at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 200 feet to the Point of Beginning thence continuing N88°20'30"E, 399.5 feet; thence S01°18'15"E, 275 feet; thence S88°20'30"W, 399.5 feet; thence N01°18'15"W, 275 feet to the point of beginning; ALONG WITH,

Parcel 2

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas and Lot 5, Verda Vista, Sedgwick County, Kansas all being described as Beginning at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 659.8 feet to a point on the West line of a Ponding and Overland Flowage Easement filed on DOC#/FLM-PG: 28652650; thence N12°55'02"W along said Easement, 59.72 feet; thence continuing along said Easement N36°46'09"W, 96.11 feet; thence N51°17'57"W, 146.12 feet; thence N35°39'24"W, 95.48 feet; thence N16°26'04"W, 101.68 feet; thence N11°19'07"W, 120.39 feet along the West line of a Ponding and Overland Flowage Easement filed on DOC#/FLM-PG: 28652650, and DOC#/FLM-PG: 28652651; thence continuing N22°33'08"W, along said DOC#/FLM-PG: 28652651, 179.57 feet; thence N16°20'54"W, 124.1 feet; thence N25°52'23"E, 38.55 feet more or less to a point on the South line of the North 40 acres of the SW1/4 of said Section 29; thence S88°20'41"W along the South line of the North 40 acres of said SW1/4, 299.04 feet to a point 270 feet East of the West line of said SW1/4, said point being 30 feet North of the N.E. corner of Lot 1, Verda Vista Sedgwick County, Kansas; thence S01°18'15"E along the East line of said Verda Vista, 450 feet to the N.E. corner of Lot 5, in said Verda Vista; thence S88°20'41"W, 220 feet to the N.W. corner of said Lot 5; thence S01°18'15"E, 100 feet to the S.W. corner of said Lot 5; thence N88°20'41"E, 220 feet to the S.E. corner of said Lot 5; thence S01°18'15"E, 300 feet to the point of beginning.

Said tract contains 495,992 square feet more or less.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: TRACT A shall pay 667/1000 and TRACT B shall pay 333/1000 of the total cost of the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of December, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

NOTICE OF COMMUNITY UNIT PLAN

THIS NOTICE made this 4th day of August, 2009, by the undersigned, hereinafter called "Declarants",

WITNESSETH

WHEREAS, Declarants, are the owners of the real property located in Wichita, Sedgwick County, Kansas, more fully described as Tracts A and B in Exhibit A attached hereto, and;

WHEREAS, Declarants wish to declare that the afore-described property has zoning restrictions on the property.

NOW, THEREFORE, the Declarants hereby give notice that the approved Community Unit Plan (Maize 54, # DP-318), on file with the Wichita-Sedgwick County Metropolitan Area Planning Department, has placed restrictions on the use and requirements on the development of the above-described property.

EXECUTED the day and year first written above by:

TRACT A OWNER

Wichita Towers, LLC

Signed: Carol Murray
Print: Carol Murray
Title: Managing Member

TRACT B OWNER

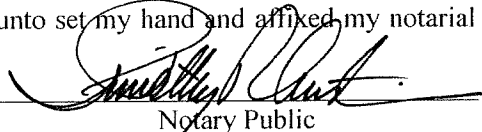
Maize 54, LLC

Signed: [Signature]
Print: Dana M. Lies
Title: Member (Sul 2009 2)

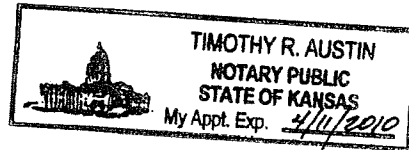
STATE OF KANSAS)
) SS
 COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 30th day of August, 2009, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Carol Murray, Managing Member, Wichita Towers, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.


 Notary Public

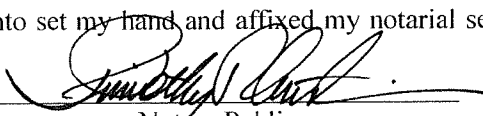
My Commission Expires: Apr. 11, 2010



STATE OF KANSAS)
) SS
 COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 4th day of August, 2009, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Dawn M. Liss, Member, Maize 54, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.


 Notary Public

My Commission Expires: Apr. 11, 2010

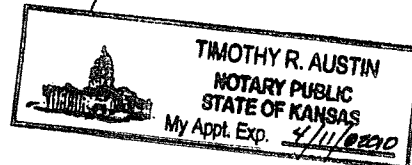


EXHIBIT ATRACT A

Parcel 1A

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas described as Beginning at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 200 feet; thence S01°18'15"E, 275 feet; thence N88°20'30"E, 399.5 feet; thence N01°18'15"W, 275 feet; thence N88°20'30"E, 205.96 feet; thence S14°10'35"E, 401.95 feet to a point 40 feet North of the North line of U.S. 54 Highway as deeded on Film 2144, Page 1847; thence N74°04'48"E parallel with and 40 feet North of said U.S. 54 Highway, 258.59 to a point on the West line of Miles Lakewood Village Second Addition, Wichita Sedgwick County, Kansas; thence S01°28'11"E along the West line of said Miles Lakewood Village Second Addition, and Davis Moore 12th Addition, Wichita Sedgwick County, Kansas, 41.31 feet to a point on the North line of said U.S. 54 Highway; thence S74°04'48"W along said U.S. 54 Highway, 419.31 feet; thence S15°55'12"E, 125 feet; thence S71°17'23"W, 324.5 feet; thence S76°05'36"W, 210.7 feet; thence S83°50'05"W, 19.89 feet to the S.E. corner Lot 1, Block A, Quiktrip 10th Addition, Wichita, Sedgwick County, Kansas; thence N01°19'41"W, 236.41 feet to the N.E. corner of said Quiktrip 10th Addition; thence S88°12'33"W along the North line of said Quiktrip 10th and the North line of Lot 1, Block A, Quiktrip 8th Addition, Wichita, Sedgwick County, Kansas, 236 feet to a bend point in the East line of said Quiktrip 8th Addition; thence N01°18'15"W along the East line of said Quiktrip 8th Addition and said Kansas State Bank Addition, 500 feet to the point of beginning.

Said tract contains 414,279 square feet more or less.

TRACT B

Parcel 1B

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas described as Commencing at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 200 feet to the Point of Beginning thence continuing N88°20'30"E, 399.5 feet; thence S01°18'15"E, 275 feet; thence S88°20'30"W, 399.5 feet; thence N01°18'15"W, 275 feet to the point of beginning; ALONG WITH,

Parcel 2

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas and Lot 5, Verda Vista, Sedgwick County, Kansas all being described as Beginning at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 659.8 feet to a point on the West line of a Ponding and Overland Flowage Easement filed on DOC#/FLM-PG: 28652650; thence N12°55'02"W along said Easement, 59.72 feet; thence continuing along said Easement N36°46'09"W, 96.11 feet; thence N51°17'57"W, 146.12 feet;

thence N35°39'24"W, 95.48 feet; thence N16°26'04"W, 101.68 feet; thence N11°19'07"W, 120.39 feet along the West line of a Ponding and Overland Flowage Easement filed on DOC#/FLM-PG: 28652650, and DOC#/FLM-PG: 28652651; thence continuing N22°33'08"W, along said DOC#/FLM-PG: 28652651, 179.57 feet; thence N16°20'54"W, 124.1 feet; thence N25°52'23"E, 38.55 feet more or less to a point on the South line of the North 40 acres of the SW1/4 of said Section 29; thence S88°20'41"W along the South line of the North 40 acres of said SW1/4, 299.04 feet to a point 270 feet East of the West line of said SW1/4, said point being 30 feet North of the N.E. corner of Lot 1, Verda Vista Sedgwick County, Kansas; thence S01°18'15"E along the East line of said Verda Vista, 450 feet to the N.E. corner of Lot 5, in said Verda Vista; thence S88°20'41"W, 220 feet to the N.W. corner of said Lot 5; thence S01°18'15"E, 100 feet to the S.W. corner of said Lot 5; thence N88°20'41"E, 220 feet to the S.E. corner of said Lot 5; thence S01°18'15"E, 300 feet to the point of beginning.

Said tract contains 495,992 square feet more or less.

CERTIFICATE OF PETITION

STATE OF KANSAS)
)SS
COUNTY OF SEDGWICK)

We, the undersigned owners of the following described real property:

Lots 1-3, Block 1, Maize 54 Addition, Wichita, Sedgwick County, Kansas;


do hereby certify that petitions for the following improvements has been submitted to the City Council of the City of Wichita, Kansas

1. Drainage Improvements


As a result of the above-mentioned petitions for improvements, all lots or portions thereof within the above described real property, may be subject to special assessments assessed thereto for the cost of constructing the above described improvements.

EXECUTED the day and year first written above by:

Wichita Towers, LLC

Signed: 
Print: Carol Murray
Title: Managing Member

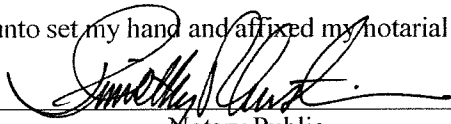
Maize 54, LLC

Signed: 
Print: Dana M. Lies
Title: Member *(Sub 2009-22)*

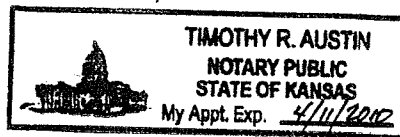
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 30th day of August, 2009, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Carol Murray, Managing Member, Wichita Towers, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.


Notary Public

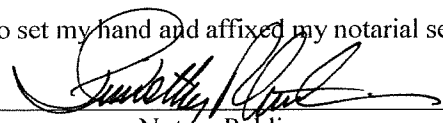
My Commission Expires: Apr. 11, 2010



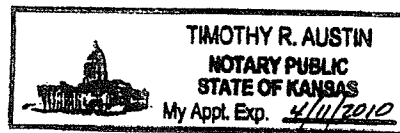
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 4th day of August, 2009, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Dana M. Lins, Member, Maize 54, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.


Notary Public

My Commission Expires: Apr. 11, 2010



DRIVE APPROACH CLOSURE CERTIFICATE

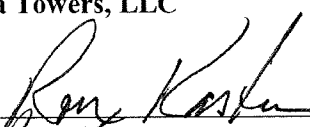
Sedgwick County)
) SS
State of Kansas)

Wichita Towers, LLC, and Maize 54, LLC, owners of that certain real property to be known as Maize 54 Addition, Wichita, Sedgwick County, Kansas, is in the process of platting said property, and does hereby acknowledge that in accordance with the requirements of the subdivision process as set forth by the City of Wichita, any existing drive approaches on Kellogg Drive from said Addition shall be closed.

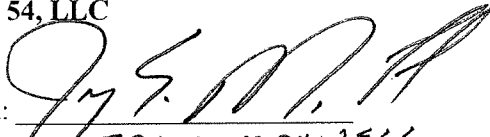
This is to place on notice the owner(s) of the above-described property and subsequent owners thereof that, as a result of the above-cited platting requirements, said owner and subsequent owners thereof are responsible for seeing that such drive approach or approaches are removed and closed per City of Wichita's specifications for such work, and that sufficient guaranty of such closure(s), in a form acceptable to the City of Wichita (e.g. – bond, cash, letter of credit, etc.) and/or acknowledgement that the City of Wichita may withhold the issuance of an occupancy permit for any future building construction, will be a pre-condition of the issuance of any future building permit for all development on the above-described property.

IN WITNESS WHEREOF, Grantors have caused this indenture to be signed by its duly authorized officers and the corporate seal affixed hereto, all on the day and year first above written.

Wichita Towers, LLC

Signed: 
Print: RON KASTNER
Title: DIR. BUSINESS OPS

Maize 54, LLC

Signed: 
Print: JAY S. MAXWELL
Title: MANAGING MEMBER
(Sub 2009-22)

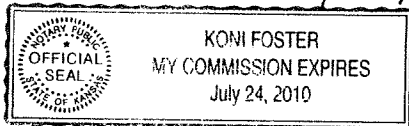
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 25th day of August, 2009, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Ron Kastner, Operations mgr., Wichita Towers, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Koni Foster
Notary Public

My Commission Expires: July 24, 2010



STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 25th day of August, 2009, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Jay Maxwell, Managing member Maize 54, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Koni Foster
Notary Public

My Commission Expires: July 24, 2010



CONTINGENT DEDICATION

WHEREAS, the undersigned being the owners of real property in Wichita, Sedgwick County, Kansas, more fully described in Exhibit A attached hereto; and

WHEREAS, said owners wish to make a contingent dedication to the City of Wichita of a portion of the property for floodway, more fully described in Exhibit B attached hereto; and

WHEREAS, said property to be dedicated includes frontage along Kellogg, said frontage being used by owners and city to calculate the allowable on-site signage for the property described in Exhibit A; and

WHEREAS, the city will assume maintenance responsibilities for the property being dedicated; and,

WHEREAS, the owners intend to dedicate to the public the property described in Exhibit B, but effective of the following contingencies.

NOW, THEREFORE, the undersigned being the legal owners of the property, do hereby dedicate to the public for floodway purposes the property described in Exhibit B attached hereto; but the right of the public and the City of Wichita to make use thereof for public purposes shall occur only if:

1. Upon recording of the plat for Maize 54 Addition to Wichita, Sedgwick County, Kansas, with the Register of Deeds.
2. Issuance of a sign permit by the city for Lot 1, Block 1, Maize 54 Addition.

It is understood that upon the happening of the above events herein above stated, that this dedication shall be and become, without further notice or act, in full force and effect.

(Sub 2009-7)

It is the intent of the grantor and owner that this Contingent Dedication shall be a covenant running with the land and shall be binding upon their successors and assigns and all subsequent owners or any part of parcel of said property covered by said dedication.

EXECUTED THIS 4th day of August, 2009

TRACT A OWNER

Wichita Towers, LLC

Signed: Carol Murray
Print: Carol Murray
Title: Managing Member

TRACT B OWNER

Maize 54, LLC

Signed: Dana M. Lies
Print: Dana M. Lies
Title: Member

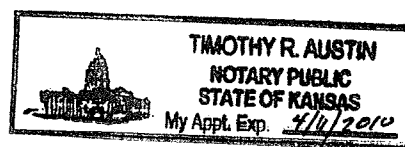
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 3rd day of August, 2009, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Carol Murray, Managing Member, Wichita Towers, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Timothy R. Austin
Notary Public

My Commission Expires: Apr 11, 2010



STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, That on this 4th day of August, 2009, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Dana M. Lies, Member, Maize 54, LLC, personally known to me and he/she has executed this instrument of writing on the date above first written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Timothy R. Austin
Notary Public

My Commission Expires: Apr. 11, 2010

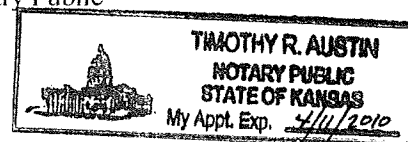


EXHIBIT A

TRACT A

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas described as Beginning at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 200 feet; thence S01°18'15"E, 275 feet; thence N88°20'30"E, 399.5 feet; thence N01°18'15"W, 275 feet; thence N88°20'30"E, 205.96 feet; thence S14°10'35"E, 401.95 feet to a point 40 feet North of the North line of U.S. 54 Highway as deeded on Film 2144, Page 1847; thence N74°04'48"E parallel with and 40 feet North of said U.S. 54 Highway, 258.59 to a point on the West line of Miles Lakewood Village Second Addition, Wichita Sedgwick County, Kansas; thence S01°28'11"E along the West line of said Miles Lakewood Village Second Addition, and Davis Moore 12th Addition, Wichita Sedgwick County, Kansas, 41.31 feet to a point on the North line of said U.S. 54 Highway; thence S74°04'48"W along said U.S. 54 Highway, 419.31 feet; thence S15°55'12"E, 125 feet; thence S71°17'23"W, 324.5 feet; thence S76°05'36"W, 210.7 feet; thence S83°50'05"W, 19.89 feet to the S.E. corner Lot 1, Block A, Quiktrip 10th Addition, Wichita, Sedgwick County, Kansas; thence N01°19'41"W, 236.41 feet to the N.E. corner of said Quiktrip 10th Addition; thence S88°12'33"W along the North line of said Quiktrip 10th and the North line of Lot 1, Block A, Quiktrip 8th Addition, Wichita, Sedgwick County, Kansas, 236 feet to a bend point in the East line of said Quiktrip 8th Addition; thence N01°18'15"W along the East line of said Quiktrip 8th Addition and said Kansas State Bank Addition, 500 feet to the point of beginning.

Said tract contains 414,279 square feet more or less.

TRACT B

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas described as Commencing at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 200 feet to the Point of Beginning thence continuing N88°20'30"E, 399.5 feet; thence S01°18'15"E, 275 feet; thence S88°20'30"W, 399.5 feet; thence N01°18'15"W, 275 feet to the point of beginning; ALONG WITH,

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas and Lot 5, Verda Vista, Sedgwick County, Kansas all being described as Beginning at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 659.8 feet to a point on the West line of a Ponding and Overland Flowage Easement filed on DOC#/FLM-PG: 28652650; thence N12°55'02"W along said Easement, 59.72 feet; thence continuing along said Easement N36°46'09"W, 96.11 feet; thence N51°17'57"W, 146.12 feet; thence N35°39'24"W, 95.48 feet; thence N16°26'04"W, 101.68 feet; thence N11°19'07"W, 120.39 feet along the West line of a Ponding and Overland Flowage Easement filed on DOC#/FLM-PG: 28652650, and DOC#/FLM-PG: 28652651; thence continuing N22°33'08"W, along said DOC#/FLM-PG: 28652651, 179.57 feet; thence N16°20'54"W, 124.1 feet; thence N25°52'23"E, 38.55 feet more or less to a point on the South line of the North 40 acres of the SW1/4 of said Section 29; thence S88°20'41"W along the South line of the North 40 acres of said SW1/4, 299.04 feet to a point 270 feet

East of the West line of said SW1/4, said point being 30 feet North of the N.E. corner of Lot 1, Verda Vista Sedgwick County, Kansas; thence $S01^{\circ}18'15''E$ along the East line of said Verda Vista , 450 feet to the N.E. corner of Lot 5, in said Verda Vista; thence $S88^{\circ}20'41''W$, 220 feet to the N.W. corner of said Lot 5; thence $S01^{\circ}18'15''E$, 100 feet to the S.W. corner of said Lot 5; thence $N88^{\circ}20'41''E$, 220 feet to the S.E. corner of said Lot 5; thence $S01^{\circ}18'15''E$, 300 feet to the point of beginning.

Said tract contains 495,992 square feet more or less.

EXHIBIT B

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas described as follows:

Beginning at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 200 feet; thence S01°18'15"E, 275 feet; thence N88°20'30"E, 399.5 feet; thence N01°18'15"W, 275 feet; thence N88°20'30"E, 205.96 feet; thence S14°10'35"E, 401.95 feet to a point 40 feet North of the North line of U.S. 54 Highway as deeded on Film 2144, Page 1847; thence N74°04'48"E parallel with and 40 feet North of said U.S. 54 Highway, 258.59 to a point on the West line of Miles Lakewood Village Second Addition, Wichita Sedgwick County, Kansas; thence S01°28'11"E along the West line of said Miles Lakewood Village Second Addition, and Davis Moore 12th Addition, Wichita Sedgwick County, Kansas, 41.31 feet to a point on the North line of said U.S. 54 Highway; thence S74°04'48"W along said U.S. 54 Highway, 419.31 feet; thence S15°55'12"E, 125 feet; thence S71°17'23"W, 324.5 feet; thence S76°05'36"W, 210.7 feet; thence S83°50'05"W, 19.89 feet to the S.E. corner Lot 1, Block A, Quiktrip 10th Addition, Wichita, Sedgwick County, Kansas; thence N01°19'41"W, 236.41 feet to the N.E. corner of said Quiktrip 10th Addition; thence S88°12'33"W along the North line of said Quiktrip 10th and the North line of Lot 1, Block A, Quiktrip 8th Addition, Wichita, Sedgwick County, Kansas, 236 feet to a bend point in the East line of said Quiktrip 8th Addition; thence N01°18'15"W along the East line of said Quiktrip 8th Addition and said Kansas State Bank Addition, 500 feet to the point of beginning; ALONG WITH,

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas described as Commencing at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 200 feet to the Point of Beginning thence continuing N88°20'30"E, 399.5 feet; thence S01°18'15"E, 275 feet; thence S88°20'30"W, 399.5 feet; thence N01°18'15"W, 275 feet to the point of beginning; ALONG WITH,

That part of the SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County, Kansas and Lot 5, Verda Vista, Sedgwick County, Kansas all being described as Beginning at the N.E. corner of Lot 1, Block A, Kansas State Bank Addition, Wichita Sedgwick County, Kansas being a common corner of the S.E. corner of Lot 8, Verda Vista Sedgwick County, Kansas; thence N88°20'30"E along the common line as extended East, 659.8 feet to a point on the West line of a Ponding and Overland Flowage Easement filed on DOC#/FLM-PG: 28652650; thence N12°55'02"W along said Easement, 59.72 feet; thence continuing along said Easement N36°46'09"W, 96.11 feet; thence N51°17'57"W, 146.12 feet; thence N35°39'24"W, 95.48 feet; thence N16°26'04"W, 101.68 feet; thence N11°19'07"W, 120.39 feet along the West line of a Ponding and Overland Flowage Easement filed on DOC#/FLM-PG: 28652650, and DOC#/FLM-PG: 28652651; thence continuing N22°33'08"W, along said DOC#/FLM-PG: 28652651, 179.57 feet; thence N16°20'54"W, 124.1 feet; thence N25°52'23"E, 38.55 feet more or less to a point on the South line of the North 40 acres of the SW1/4 of said Section 29; thence S88°20'41"W along the South line of the North 40 acres of said SW1/4, 299.04 feet to a point 270 feet East of the West line of said SW1/4, said point being 30 feet North of the N.E. corner of Lot 1, Verda Vista Sedgwick County, Kansas; thence S01°18'15"E along the East line of said Verda Vista, 450 feet to the N.E. corner of Lot 5, in said Verda Vista; thence S88°20'41"W, 220 feet to the N.W. corner of said Lot 5; thence S01°18'15"E, 100 feet to the S.W. corner of said Lot 5; thence N88°20'41"E, 220 feet to the S.E. corner of said Lot 5; thence S01°18'15"E, 300 feet to the point of beginning; LYING EAST OF FOLLOWING DESCRIBED LINE:

Commencing at the southeast corner of QuikTrip 10th Addition, Wichita, Sedgwick County, Kansas, said corner lying on the north right of way line of Kellogg Drive; thence N83°47'43"E along said north right of way line of Kellogg Drive for a calculated distance of 19.99 feet; thence N76°05'36"E along said north right of way line of Kellogg Drive for a calculated distance of 210.70 feet; thence N71°17'23"E along said north right of way line of Kellogg Drive for a calculated distance of 324.50 feet; thence N15°55'12"W along said north right of way line of Kellogg Drive for a calculated distance of 125.00 feet; then N74°01'25"E along said north right of way line of Kellogg Drive for a calculated distance of 4.00 feet to a Point of Beginning; thence N15°55'12"W for a distance of 43.03 feet; thence N17°54'25"W for a distance of 451.19 feet; thence N36°40'41"W for a distance of 105.32 feet; thence N53°57'34"W for a distance of 156.14 feet; thence N23°41'38"W for distance of 344.95 feet; thence N15°08'58"W for distance of 224.81 feet; thence N01°40'12"W for distance of 128.65 feet to the north line SW1/4 Section 29, Township 27, South, Range 1 West of the 6th P.M. Sedgwick County.

Statements of Cost:

PAVING

- a. Improving Country View Lane, Country View Court, Fawnwood, City View and sidewalk to be constructed on Country View Lane, Fawnwood, and City View to serve The Woods Addition (east of 151st Street West, north of Maple). Total Cost - \$478,695.36 (plus idle fund interest - \$386.24, plus temporary note interest - \$3,518.40). Financing to be issued at this time - \$482,600.00. (766218/472-84359/490-236).
- b. Improving 37th Street South, Flora Avenue and York Street to serve Skyline Heights Addition and Wheatland Place Addition (north of MacArthur, east of Hoover). Total Cost - \$551,478.31 (plus idle fund interest - \$3,482.74, plus temporary note interest - \$4,438.95). Financing to be issued at this time - \$559,400.00. (766121/472-84443/490-139).
- c. Improving Ridgepoint, Decker, Westport, Westport Court, Decker Court and sidewalk to be constructed on Ridgepoint, Decker and Westport to serve Silverton Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$587,212.45 (plus idle fund interest - \$2,746.90, plus temporary note interest - \$4,540.65). Financing to be issued at this time - \$594,500.00. (766205/472-84460/490-223).
- d. Improving Westport, Bellick, Bellick Court, and sidewalk to be constructed on Westport and Bellick to serve Silverton Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$593,860.45 (plus idle fund interest - \$2,543.45, plus temporary note interest - \$4,596.10). Financing to be issued at this time - \$601,000.00. (766203/472-84461/490-221).
- e. Improving Wheatland, Wheatland Court, Blake, Limuel, Limuel Circle, Limuel Court and sidewalk to be constructed on one side of Wheatland, Blake and Limuel to serve Turkey Creek 3rd Addition (north of Pawnee, east of 135th Street West). Total Cost - \$688,149.45 (plus idle fund interest - \$4,454.10, plus temporary note interest - \$5,396.45). Financing to be issued at this time - \$698,000.00. (766212/472-84486/490-230).
- f. Improving Castle Rock/Rockhill, Split Rail/Churchill, Burning Tree/Burning Tree Court to serve Krug South Addition (south of 21st Street North, west of 143rd Street East). Total Cost - \$872,981.06 (plus idle fund interest - \$6,772.58, plus temporary note interest - \$12,346.36). Financing to be issued at this time - \$892,100.00. (766128/472-84521/490-146).
- g. Improving Veranda to serve Waterfront Residential, Waterfront 6th and Greenwich Office Park Additions (north of 13th Street North, west of Greenwich). Total Cost - \$387,146.23 (plus idle fund interest - \$3,038.46, plus temporary note interest - \$3,715.31). Financing to be issued at this time - \$393,900.00. (766181/472-84598/490-199).
- h. Improving Agnes from the south line of 37th Street North to the north line of 36th Street North to serve Agnes Addition (east of Arkansas, south of 37th Street North). Total Cost - \$119,449.54 (plus idle fund interest - \$850.46, plus temporary note interest - \$0). Financing to be issued at this time - \$120,300.00. (766173/472-84610/490-191).
- i. Improving 24th Street, Chelmsford, Ridgehurst, Ridgehurst Court, Graystone, Graystone Court, and Graystone Circle to serve Monarch Landing 2nd Addition (north of 21st Street North, west of 159th Street East). Total Cost - \$452,326.55 (plus idle fund interest - \$4,073.90, plus temporary note interest - \$3,399.55). Financing to be issued at this time - \$459,800.00. (766202/472-84612/490-220).
- j. Improving Crystal Beach, Crystal Beach Circle, Portwest, Boardwalk, and Pierport to serve Moorings 10th Addition (south of 53rd Street North, west of Meridian). Total Cost - \$647,472.69 (plus idle fund interest - \$3,827.31, plus temporary note interest - \$0). Financing to be issued at this time - \$651,300.00. (766200/472-84642/490-218).
- k. Improving a Bridge on Westport to serve Moorings 10th Addition (south of 53rd Street North, west of Meridian). Total Cost - \$398,574.69 (plus idle fund interest - \$2,325.31, plus temporary note interest - \$0). Financing to be issued at this time - \$400,900.00. (766201/472-84643/490-219).
- l. Improving Berkley Square Parkway to serve Greenwich Office Park Addition, Home Bank & Trust Company Addition and an unplatted tract (north of 13th Street North, east of Webb). Total Cost - \$326,460.85 (plus idle fund interest - \$2,647.78, plus temporary note interest - \$3,291.37). Financing to be issued at this time - \$332,400.00. (766189/472-84644/490-207).

- m. Improving Evergreen Lane from 2nd Street to Evergreen Court to serve Evergreen Place Addition (north of Maple, east of Tyler). Total Cost - \$562,865.93 (plus idle fund interest - \$3,434.07, plus temporary note interest - \$0). Financing to be issued at this time - \$566,300.00. (766199/472-84647/490-217).
- n. Improving Kellogg Drive from the east line of the plat to the west line of the plat to serve Prairie Pond Plaza 2nd Addition (north of Kellogg, east of 143rd Street East). Total Cost - \$176,662.59 (less idle fund interest - \$20.69, plus temporary note interest - \$1,458.10). Financing to be issued at this time - \$178,100.00. (766207/472-84686/490-225).
- o. Improving Hayden, Hayden Circle and Slope to serve High Point West Addition (east of 151st Street West, south of Maple). Total Cost - \$255,373.68 (plus idle fund interest - \$1,526.32, plus temporary note interest - \$0). Financing to be issued at this time - \$256,900.00. (766219/472-84705/490-237).
- p. Design of paving for Mt. Vernon/Ironstone, Ironstone Court and Willowgreen to serve Sierra Hills Second Addition (north of Pawnee, west of 143rd Street East). Total Cost - \$38,570.28 (plus idle fund interest - \$429.72, plus temporary note interest - \$0). Financing to be issued at this time - \$39,000.00. (766221/472-84730/490-239).
- q. Improving Smithmoor Court to serve Smithmoor 11th Addition (west of Greenwich, south of Harry). Total Cost - \$71,734.83 (plus idle fund interest - \$465.17, plus temporary note interest - \$0). Financing to be issued at this time - \$72,200.00. (766223/472-84756/490-241).
- r. Improving Sidewalk at Greenwich Road and 21st Street North to serve Village at Greenwich Addition (north of 21st Street North, east of Greenwich). Total Cost - \$20,351.90 (plus idle fund interest - \$148.10, plus temporary note interest - \$0). Financing to be issued at this time - \$20,500.00. (766228/472-84757/490-246).
- s. Asbestos and lead based paint mitigation in a building located at 324 North Emporia (north of 2nd Street, east of Emporia). Total Cost - \$78,356.17 (plus idle fund interest - \$443.83, plus temporary note interest - \$0). Financing to be issued at this time - \$78,800.00. (766034/472-84811/491-035).
- t. Façade improvements to the portion of 579 West Douglas that abuts public ways, including Douglas and Sycamore Streets to serve West Wichita Addition (southeast corner of Sycamore and Douglas). Total Cost - \$78,500.00 (plus idle fund interest - \$0, plus temporary note interest - \$0). Financing to be issued at this time - \$78,500.00. (766033/472-84819/491-034).

**CONTRACTS & AGREEMENTS
BLANKET PURCHASE ORDERS RENEWAL OPTIONS
NOVEMBER 2009**

COMMODITY TITLE	EXPIRATION DATE	VENDOR NAME	DEPARTMENT	ORIGINAL CONTRACT DATES	RENEWAL OPTIONS REMAINING
Fire Hydrants	11/30/2009	HD Supply Waterworks	Water Utilities	12/4/2007 - 11/30/2008	1 - 1 year option
Nametags	11/30/2010	Midwest Marking Products	Police	12/1/2008 - 11/30/2009	1 - 1 year option
Uniform Shirt Rental	11/30/2010	Unifirst Corporation	Public Works	12/1/2008 - 11/30/2009	1 - 1 year option
Uniform Shirts, Jeans and Lab Coats Rental	11/30/2010	Unifirst Corporation	Water Utilities	12/1/2008 - 11/30/2009	1 - 1 year option

**PROFESSIONAL CONTRACTS UNDER \$25,000
NOVEMBER 2009**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		
George A. Parks PHD	PO930892	Conference Coordinating and Planning Services	10,000.00		

**ANNUAL MAINTENANCE CONTRACTS OVER \$25,000
DIRECT PURCHASE ORDERS FOR NOVEMBER 2009**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		

City of Wichita
City Council Meeting
December 8, 2009

TO: Mayor and City Council Members

SUBJECT: Nuisance Abatement Assessments (All Districts)

INITIATED BY: Office of Central Inspection

AGENDA: Consent

Recommendation: Approve the assessments.

Background: The Office of Central Inspection supports neighborhood maintenance and improvement through abatement of nuisances under Title 8 of the City Code. State law and local ordinance allow the City to clean up private properties that are in violation of environmental standards after proper notification to the responsible party. A private contractor performs the work, and the Office of Central Inspection bills the cost to the property owner.

Analysis: State law and city ordinances allow placement of the lot cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and the Office of Central Inspection is requesting permission for the Department of Finance to process the necessary special assessments.

Financial Considerations: Nuisance abatement contractors are paid through budgeted appropriations from the City's General Fund. Owners of abated property are billed for the contractual costs of the abatement, plus an additional administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property. Nuisance abatements to be placed on special assessments are on the attached property list.

Goal Impact: Nuisance abatement activities support the goal of Core Area and Vibrant Neighborhoods by cleaning properties that are detrimental to Wichita neighborhoods.

Legal Considerations: These assessments are in accordance with Chapter 8.01.065 of the City Code. This agenda report has been reviewed and approved by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the proposed assessments.

Attachments: Property List for Special Assessment

Weed Mowing	Address/Location	Amount	District #
C-24403	2632 N Madison St	\$120.24	1
D-15158	3357 S Oak St	\$120.24	4
D-04791	1201 S Vine St	\$120.24	4
C-13854	1590 N Gentry Dr.	\$120.24	1
C-14868	809 N Glendale Ave	\$120.24	1
C-21047	2361 N Poplar - V/L	\$120.24	1
C-24418	2601 N Spruce St - V/L	\$120.24	1
C-01006	1316 N Kansas - V/L	\$120.24	1
C-00988-0001	1202 N Minnesota	\$120.24	1
C-01065	1200 N Minnesota - V/L	\$120.24	1
C-00946-0001	V/L N of 1217 N Ash	\$120.24	1
C-01030	V/L S of 1308 N Minneapolis	\$120.24	1
C-03606	1607 N Estelle Ave - V/L	\$120.24	1
D-18012	724 N Dougherty Ave	\$120.24	6
B-01541	1611 N Topeka Ave	\$120.24	6
C-19100	1728 E Looman - V/L	\$120.24	1
C-19165	2444 N Minnesota - V/L	\$120.24	1
D-24978	4527 S Oak St	\$120.24	4
D-24955	4427 S Oak Ave	\$120.24	4
B-11158	1426 E 31st St S	\$120.24	3
A-06041	1012 S Market St	\$120.24	1
D-17458	805 N Clara St	\$120.24	6
C-02841	V/L N of 1223 N Estelle	\$120.24	1
C-02837	1245 N Estelle - V/L	\$120.24	1
B-04807	912 S Emporia	\$120.24	1
C-11966	2207 E Mossman Ave - V/L	\$120.24	1
C-10622	5307 E Elm St	\$120.24	1
B-05106	1430 S Santa Fe	\$120.24	1
B-05069	1505 S Santa Fe	\$128.29	1
A-06419	1335 S Water	\$120.24	1
D-12901	2621 S Everett St	\$120.24	4
B-04728	411 E Indianapolis St - V/L	\$120.24	1
C-08288	343 N Kansas	\$120.24	1
C-00473	207 N Spruce St	\$120.24	1
B-06923	427 S Pattie	\$120.24	1
B-03106	V/L N of 832 N Wabash	\$120.24	1
C-24668	2320 N Volutsia - V/L	\$120.24	1
C-20966	2547 E Raleigh - V/L	\$120.24	4
A-07681	417 W Funston - V/L	\$120.24	3
C-27560	4953 E Morris St	\$120.24	2
C-02506	2511 E 9th St	\$120.24	1
C-00590	927 N Piatt	\$120.24	1
C-28636	1202 N Madison St	\$120.24	1
C-01343-0005	1531 N Minnesota St	\$120.24	1
C-02812	1238 N Green Ave	\$120.24	1
C-13802	826 N Harding	\$120.24	1

C-13798	846 N Harding - V/L	\$120.24	1
C-10566	640 N Old Manor - V/L	\$120.24	1
D-11688	500 N Clara - V/L	\$120.24	4
D-11687	V/L S of 516 N Clara	\$120.24	4
C-00118	328 N Kansas Ave - V/L	\$120.24	1
D-04641	1037 S Millwood Ave	\$120.24	4
B-03100	839 N Wabash Ave - V/L	\$120.24	1
B-03106-0001	840 N Wabash	\$120.24	1
B-03344-0002	1111 N Mathewson	\$120.24	1
C-08291	331 N Kansas Ave	\$120.24	1
C-29541	3053 S Sayles Ave	\$120.24	3
A-06861	1735 S Broadway St	\$120.24	3
B-03366	1116 N Mathewson - V/L	\$120.24	1
A-08512	902 W 13th St N	\$120.24	6
C-01539	2801 E Central	\$120.24	1
C-00894-0002	1301 N Grove St	\$120.24	1
C-00894-00A2	1305 N Grove - V/L	\$120.24	1
C-03123	1036 N Poplar	\$120.24	1
C-00812	1155 N Spruce - V/L	\$120.24	1
C-01075	2021 E 12th St N - V/L	\$120.24	1
C-00993	1330 N Hydraulic - V/L	\$120.24	1
C-01042	1253 N Minnesota - V/L	\$120.24	1
C-29979	919 S Terrace Dr	\$120.24	3
B-08371-0001	1923 S Greenwood - V/L	\$120.24	1
C-21021	2413 N Poplar St	\$120.24	1
C-03017	1252 N Chautauqua - V/L	\$120.24	1
C-03441	1504 N Erie Ave - V/L	\$120.24	1
B-03560	V/L S of 1247 N Wabash	\$120.24	1
C-07718-0001	1802 N Green - V/L	\$120.24	1
B-00766	V/L W of 854 E 8th	\$120.24	6
D-13560	2804 S Bonn	\$120.24	4
D-18278	426 S Mt Carmel Ave	\$120.24	4
D-08628-0001	4439 W St Louis	\$120.24	4
D-08342	1359 N McLean Blvd	\$120.24	6
C-12348	647 S Sylvan Ln	\$120.24	3
C-00178	404 N Minnesota - V/L	\$120.24	1
C-00758	1039 N Spruce St	\$120.24	1
A-06412	1303 S Water St	\$120.24	1
B-05639	1903 S Mosley Ave	\$120.24	3
B-06036-0001	2127 S Washington	\$120.24	3
D-07834	2280 S Hiram Ave	\$120.24	4
C-03280	1701 N Lorraine St	\$120.24	1
C-03283-0001	1741 N Lorraine St	\$120.24	1
B-11238-0001	1227 E Alturas	\$120.24	3
C-05215	146 S Estelle St	\$120.24	1
C-03292	1644 N Lorraine St	\$120.24	1
C-03586	2606 E 15th St N - V/L	\$120.24	1

C-08819	1548 N Poplar	\$120.24	1
C-03175	1122 N Poplar	\$120.24	1
C-03176	1128 N Poplar - V/L	\$120.24	1
C-02767	1148 N Poplar Ave - V/L	\$120.24	1
C-02766	1150 N Poplar - V/L	\$120.24	1
C-02737-0001	1227 N Poplar - V/L	\$120.24	1
C-02733	1255 N Poplar Ave - V/L	\$120.24	1
C-40497	6721 E 32nd Ct N	\$120.24	1
A-07678	V/L NW corner of Palisade & Funston	\$120.24	3
A-07101	1854 S Waco Ave	\$120.24	3
C-23032	729 S Watson Ln	\$120.24	2
C-31035	4046 E Christy	\$128.29	1
C-15830	1501 N Fountain - V/L	\$120.24	1
C-01098	V/L N of 1446 N Piatt	\$120.24	1
B-08883	1133 N Wabash Ave	\$120.24	1
B-01646	1451 N St Francis Ave	\$120.24	6
C-18600	1737 S Roanoke Dr	\$120.24	3
C-18602	1747 S Roanoke Dr -	\$120.24	3
C-03286	1604 N Lorraine St - V/L	\$120.24	1
C-01297-000A	1728 N Kansas	\$120.24	1
C-01228-0001	1528 N Spruce St	\$120.24	1
A-07960	2030 S Gold Ave	\$120.24	3
A-08928	2160 S Gold Ave	\$120.24	3
A-08192	520 W Clark - V/L	\$120.24	3
D-04877-0001	1932 S Bonn St	\$120.24	4
D-25378	4638 S Fern Ave	\$120.24	4
C-00491	212 N Madison St - V/L	\$120.24	1
C-30839-0001	2640 N Vassar St	\$120.24	1
C-37025-0001	9045 E Kellogg	\$ 226.67	2
A-07019	1831 S Main St	\$120.24	3
A-07001	1817 S Water - V/L	\$120.24	3
D-02936	1330 S Bonn	\$120.24	4
C-20912	2709 E 24th St N	\$120.24	1
C-20809	2535 N Chautauqua St	\$120.24	1
C-16102	2219 E Shadybrook Ln	\$120.24	1
C-16103	2223 E Shadybrook Ln	\$120.24	1
C-16109	2017 N Spruce Ave	\$120.24	1
C-02505-000B	2524 E Mossman - V/L	\$120.24	1
A-06361	1423 S Waco St	\$120.24	1
C-50814	8405 E Kellogg	\$325.05	2
C-05698	402 S Chautauqua St	\$120.24	1
C-15362	2718 E 10th St - V/L	\$120.24	1
C-13660	1043 N Dellrose Ave	\$120.24	1
C-16431	1402 N Battin	\$120.24	1
C-13520	3028 E Maplewood Dr	\$120.24	1
C-07401-0001	732 S Broadview St	\$120.24	3
D-05645	1637 S Vine Ave	\$120.24	4

D-20453	2309 W May St	\$120.24	4
A-08989	504 W Pawnee	\$120.24	3
C-00147	429 N Piatt Ave	\$120.24	1
A-04827-00A1	1425 W 17th	\$120.24	6
C-20216	1621 N Ken Mar Dr	\$120.24	1
D-02754	1625 S St Clair Ave	\$120.24	4
A-06362	1425 S Waco St	\$120.24	1
D-14252	3548 S Bonn	\$120.24	4
A-12980	3042 N Park Pl	\$120.24	6
C-16735	1401 N Battin - V/L	\$120.24	1
C-03163	V/L S 1132 N Green - V/L	\$120.24	1
C-03131	1055 N Green St - V/L	\$120.24	1
C-02822	1138 N Green - V/L	\$120.24	1
C-02815	1222 N Green Ave - V/L	\$120.24	1
C-02809	1248 N Green - V/L	\$120.24	1
C-01279	1759 N Minnesota - V/L	\$120.24	1
C-02785	1237 N Green Ave - V/L	\$120.24	1
C-02784	1241 N Green Ave - V/L	\$120.24	1
C-02775	1331 N Green Ave - V/L	\$120.24	1
C-02808	1258 N Green Ave - V/L	\$120.24	1
C-02849	1143 N Estelle Ave - V/L	\$120.24	1
C-02850	1137 N Estelle Ave - V/L	\$120.24	1
C-02872	11th & Estelle - V/L	\$120.24	1
C-03145	V/L S of 1021 N Estelle	\$120.24	1
C-03144	1013 N Estelle St - V/L	\$120.24	1
C-09760	900 N Crestway St	\$120.24	1
C-13722	942 N Glendale St - V/L	\$120.24	1
C-03300	1732 N Lorraine - V/L	\$120.24	1
D-08176	3032 S Glenn Ave	\$120.24	4
D-08171	1815 W 29th St S	\$120.24	4
D-03824	151 S Gordon Ave	\$120.24	4
B-09125	2425 S Mosley	\$120.24	3
B-02503	336 N Mathewson	\$120.24	1
D-03046	1501 S Meridian Ave	\$120.24	4
C-40565	6745 E Winterberry Cir	\$120.24	1
C-09663-0001	835 N Dellrose St	\$120.24	1
C-03562-0009	1748 N Estelle - V/L	\$120.24	1
C-08833	1547 N Estelle - V/L	\$120.24	1
C-08830-00A2	1523 N Estelle	\$120.24	1
C-12741	1547 N Erie	\$120.24	1
C-03531	1442 N Estelle - V/L	\$120.24	1
C-03532	1438 N Estelle - V/L	\$120.24	1
C-03530	1446 N Estelle	\$120.24	1
C-03529	1452 N Estelle - V/L	\$120.24	1
C-09998-0002	1712 N Poplar - V/L	\$120.24	1
C-03424	V/L between 1443 & 1453 N Erie	\$120.24	1
C-03231-0003	V/L N of 1712 N Erie	\$120.24	1

C-03282-0004	1731 N Lorraine St	\$120.24	1
C-03254	1745 N Chautauqua St	\$120.24	1
C-03252	1731 N Chautauqua St - V/L	\$120.24	1
C-37224	2200 S White Oak Dr	\$120.24	2
C-37224-0001	2202 S White Oak Dr	\$120.24	2
C-29236	2748 S Vassar Ct	\$120.24	3
C-03352	1432 N Lorraine Ave - V/L	\$120.24	1
C-03208-0001	1627 N Erie Ave	\$120.24	1
C-01209	1611 N Spruce - V/L	\$120.24	1
C-00816	1129 N Spruce St - V/L	\$120.24	1
C-00759	1021 N Spruce St - V/L	\$120.24	1
C-00818-0001	1123 N Spruce - V/L	\$120.24	1
C-00611	541 N Ash - V/L	\$120.24	1
C-00624	538 N Ash - V/L	\$120.24	1
C-00614	607 N Ash - V/L	\$120.24	1
C-00727	V/L 2 S of 710 N Piatt	\$120.24	1
D-03322	2211 W Irving St	\$120.24	4
D-54019	4629 S Edwards Cr - V/L	\$120.24	4
D-03448	802 S Everett Ave	\$120.24	4
D-54006	2715 W Angel St - V/L	\$120.24	4
D-54026	4628 S Edwards Cir - V/L	\$120.24	4
D-54004	2811 W Angel St - V/L	\$120.24	4
C-01128	1417 N Ash	\$120.24	1
A-19284	5255 S Broadway	\$169.43	4
B-08888	1140 N Wabash - V/L	\$120.24	1
A-05002-00UP	RR Row W of 206 E Macarthur	\$131.75	3
A-05002-00UP	RR Row W of 4035 S Broadway	\$131.75	3
C-01141	1540 N Ash - V/L	\$120.24	1
C-01425-0002	1907 N Grove	\$120.24	1
C-26589	2707 N Grove	\$128.29	1
C-24644	2223 N Chautauqua	\$120.24	1
C-01509-0001	2111 N Minneapolis	\$120.24	1
A-02588	2034 N Waco St - V/L	\$120.24	6
C-03104	1028 N Grove - V/L	\$120.24	1
C-25231	1915 E 11th St N	\$120.24	1
C-10443	5507 E Murdock St	\$120.24	1
C-23707	2277 S Glendale Ave	\$120.24	3
C-25161	2146 S Green St	\$120.24	3
C-17142	1910 S Spruce St	\$120.24	3
D-01925	419 S Sycamore St	\$120.24	4
B-11517-0001	V/L S of 3202 & W of 3208 S Victoria	\$128.29	3
C-27738	7602 E Morris St	\$120.24	2
B-07632	1004 E Bayley	\$120.24	1
D-12653	1780 S Seneca Ct	\$120.24	4
D-06575	907 W Irving Ave	\$120.24	4
B-03315-000A	1217 N Hydraulic Ave	\$120.24	1
C-13447	2026 N Volutsia St	\$120.24	1

B-05478-0001	1619 S Washington Ave	\$120.24	3
B-06044	2137 S Washington Ave	\$120.24	3
D-02774	1756 S Sedgwick Ave	\$120.24	4
D-54030	2506 W Angel St	\$120.24	4
C-21145	2330 N Estelle St	\$120.24	1
D-00479	319 S Dodge - V/L	\$120.24	4
D-10805	3238 S Downtain Dr	\$120.24	4
D-01224-00UP	V/L W of RR Tracks at 25th & Northshore	\$218.62	5
B-06297	2323 S Washington Ave	\$120.24	3
C-12540	655 S Bluff	\$120.24	3
C-00203	426 N Piatt Ave - V/L	\$120.24	1
C-00204	428 N Piatt Ave - V/L	\$120.24	1
C-28951	4012 S Roseberry - V/L	\$120.24	3
C-01006	1316 N Kansas - V/L	\$120.24	1
C-00988-0001	1202 N Minnesota	\$120.24	1
A-12806	V/L SE corner of Park Pl & E 32nd St	\$128.29	6
A-12737	3302 N Park Place	\$120.24	6
C-02628	528 N Poplar	\$120.24	1
D-09581	4629 W 2nd St - V/L	\$120.24	4
C-01309-000A	1622 N Kansas - V/L	120.24	1
C-01177-0001	1431 N Madison Ave - V/L	120.24	1
A-01564-0001	1148 N Market - V/L	120.24	6
D-01545	135 N Elizabeth Ave - V/L	\$120.24	4
D-00704	833 S Dodge St	\$120.24	4
C-19122	1927 E Looman St - V/L	\$120.24	1
C-49821	2112 N Farmstead - V/L	\$120.24	1
D-62385	905 W 50th St S	\$120.24	4
D-06815-0015	417 S Leonine Rd	\$120.24	4
A-00411-00UP	RR Row at 1st & Elizabeth to 217 N Fern	\$131.75	4
D-02821	V/L N of 1807 S Everett	\$120.24	4
C-12766	3309 E Bayley	\$120.24	3
C-01032-0001	V/L W of 1349 N Minnesota	\$120.24	1
C-02801	1338 N Green Ave - V/L	\$120.24	1
C-00623	548 N Ash - V/L	\$120.24	1
B-03041	945 N Wabash Ave - V/L	\$120.24	1
C-14712	938 N Old Manor Rd	\$120.24	1
C-02720	1230 N Grove Ave - V/L	\$120.24	1
C-02913	1256 N Volutsia St - V/L	\$120.24	1
C-03123	1036 N Poplar St	\$120.24	1
C-41224	4631 S Kansas	\$120.24	3
A-05122-0001	2234 N Woodland - V/L	\$120.24	6
A-05142	2248 N Shelton Ave	\$120.24	6
C-00178	404 N Minnesota - V/L	\$120.24	1
C-00118	328 N Kansas Ave - V/L	\$120.24	1
C-08288	343 N Kansas	\$120.24	1
C-00993	1330 N Hydraulic - V/L	\$120.24	1
C-27845	7709 E Watson Ln	\$120.24	2

A-07597	1907 S Water St	\$120.24	3
C-28026	564 N Armour	\$120.24	2
B-04728	411 E Indianapolis St - V/L	\$120.24	1
C-11915	2326 E Mossman St - V/L	\$120.24	1
C-55287	6048 S Hydraulic Ave	\$120.24	3
C-01644	434 N Erie - V/L	\$120.24	1
D-25613	517 W 46th St S	\$120.24	4
B-05518-0002	1712 S Washington	\$120.24	3
A-06917	1732 S Main St	\$120.24	3
A-06892	1709 S Market St	\$120.24	3
A-06902	1755 S Market St	\$120.24	3
A-06900	1741 S Market St	\$120.24	3
A-07102	1856 S Waco Ave	\$120.24	3
C-12642	1822 E 22nd St N	\$120.24	1
C-11958	2026 E Random Rd - V/L	\$120.24	1
B-03651	V/L N of 1103 N Ohio	\$120.24	1
D-50020	1229 N Doris - V/L	\$128.29	6
C-01135-00AA	V/L N of 1642 N Ash	\$120.24	2

<u>Lot Clean Up</u>	<u>Address/Location</u>	<u>Amount</u>	<u>District #</u>
C-01995	224 N Green - V/L	\$475.24	1
C-05466	140 S Erie Ave	\$396.25	1
B-03518	1231 N Ohio - V/L	\$478.50	1
C-01388	1954 N Ash - V/L Tree	\$430.00	1
C-03533	1432 N Estelle - V/L	\$565.65	1
C-11958	2026 E Random - V/L	\$813.40	1
B-03106	838 N Wabash - V/L	\$434.90	1
B-03106-0001	840 N Wabash	\$1,677.95	1
C-11923	2043 E 9th St - V/L	\$342.70	1
C-03188	1110 N Grove	\$2,182.90	1
C-02822	1138 N Green - V/L	\$457.25	1
C-13374	2408 E Graham	\$821.45	1
C-03131	1055 N Green - V/L	\$425.70	1
C-01434	1815 N Grove - V/L	\$1,127.45	1
C-01371-0002	1448 N Minneapolis	\$912.65	1
C-02696-001A	2419 E Mossman	\$382.00	1
C-02505-000B	2524 E Mossman - V/L	\$447.60	1
C-03585	1656 N Poplar	\$525.80	1
C-01419	1956 N Spruce	\$941.95	1
C-01310-0001	1602 N Kansas St	\$520.25	1
C-05299	234 S Poplar	\$1,690.15	1
D-05176-0002	307 N St Paul	\$494.60	6
C-16912	608 S Edgemoor Dr	\$540.15	3
D-17514	833 N Baehr	\$588.65	6
C-00943-0001	1303 N Ash	\$759.05	1
C-00732	732 N Piatt	\$1,019.80	1

B-06923	427 S Pattie	\$842.40	1
C-16531	2145 E Shadybrook - V/L	\$541.80	1
C-00760	1019 N Spruce - V/L	\$751.95	1
C-11966	2207 E Mossman Ave - V/L	\$418.80	1
B-04830	V/L N of 1030 S Emporia	\$396.45	1
C-02840	1233 N Estelle Ave	\$490.00	1
C-01388	1954 N Ash - V/L	\$389.50	1
C-03214	1703 N Erie	\$475.25	1
B-08195	1652 S Greenwood	\$1,147.70	1
D-09811	229 S Colorado	\$255.00	4
C-00345	437 N Grove	\$524.75	1
B-05715	1614 S Santa Fe - V/L	\$809.00	3
B-08258	1641 S Ellis	\$438.20	1
C-03156	1115 N Estelle	\$894.10	1
C-03613	1651 N Estelle	\$434.45	1
C-03634	1730 N Green	\$630.45	1
C-00346	433 N Grove St	\$294.40	1
C-01277	1720 N Minnesota St - V/L	\$655.15	1
B-10522	2825 S Pattie Ave	\$628.80	3
B-05713	1604 S Santa Fe - V/L	\$707.60	3
C-02537	641 N Volutsia	\$939.90	1
C-13303	2503 E Stadium - V/L	\$417.00	1
A-13935	2402 W 29th St N # 12	\$1,534.40	6
A-12382	2828 N Fairview Ave	\$330.00	6
A-04662	1557 N Jeanette	\$581.50	6
C-03067	1226 N Lorraine	\$677.75	1
C-13598	1132 N Pershing	\$1,263.75	1
C-23032	729 S Watson Ln	\$585.80	2
C-04101	343 N Holyoke	\$326.40	2
B-03261-00A4	1327 N Mathewson - V/L	\$934.00	1
C-00203	426 N Piatt Ave - V/L	\$557.85	1
C-00204	428 N Piatt Ave - V/L	\$696.40	1
C-00147	429 N Piatt Ave	\$484.25	1
C-01300-0001	1644 N Hydraulic	\$325.30	1

_____ Published in The Wichita Eagle on **December 18, 2009**

ORDINANCE NO. _____.

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE
COST OF **CUTTING WEEDS** IN THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
WICHITA, KANSAS:

SECTION 1. That the sums set opposite the following lots, tracts, pieces and
parcels of land or ground, herein specified, be and the same are hereby levied to pay the cost of
cutting weeds in the City of Wichita, Kansas in the year 2010:

LEGAL OF PARCEL IN BENEFIT DISTRICT	ASSESSMENT
14.5 FT TRACT OF LAND IN NE1/4 LY ADJ TO & ELY OF THE ELY LI OF LOT 7 JACKSON-WALKER ADDN. NE1/4 SEC 29-27-1E UTILITY ROLL	131.75
LOTS 246-248 EXC E 45 FT MARKET ST. HYDE & FERRELL'S ADD.	120.24
LOT 20 & N 16 FT LOT 22 BLOCK 2 AVONDALE ADD.	120.24
THAT PART LOT 1 BEG 25 FT S & 287 FT W NE COR S 192.8 FT W 50 FT N 192.8 FT E 50 FT TO BEG EXC S 64.35 FT THEREOF. HANNA SUB.	120.24
MO-PAC ROW IN NE 1/4 SEC 20-27-1E	263.50
LOTS 16-18 & N1/2 LOT 20 ARMSTRONG AVE. BUENA VISTA SUB.	120.24

LOTS 9-11 BLOCK 1 MC INTYRE'S ADD.	120.24
S 5 FT LOT 120-ALL LOT 122 MARKET ST. LEE'S ADD.	120.24
LOTS 20-22 WACO AVE. FITZGERALD'S 2ND. ADD.	120.24
LOTS 24-26 WACO AVE. FITZGERALD'S 2ND. ADD.	120.24
N 32 2/3 FT LOT 49 WATER ST. FEGTLY'S ADD.	120.24
LOT 75 & N1/2 LOT 77 WATER ST. FEGTLYS ADD.	120.24
LOTS 78-80 LAWRENCE AVE ENGLISH 6TH. ADD.	120.24
S 15 FT LOT 56-ALL LOT 58 & N 3 FT LOT 60 MARKET ST. ENGLISH'S 6TH. ADD.	120.24
LOTS 86-88 MARKET ST. ENGLISH'S 6TH. ADD.	120.24
LOTS 94-96 MARKET ST. ENGLISH'S 6TH. ADD.	120.24

LOTS 73-75 MAIN ST. ENGLISH'S 6TH. ADD.	120.24
S 16 2/3 FT LOT 112 & N 16 2/3 FT LOT 114 WATER ST. ENGLISH'S 7TH. ADD.	120.24
LOTS 122-124 MAIN ST. ENGLISH'S 7TH. ADD.	120.24
LOTS 133-135 WACO AVE. ENGLISH'S 8TH. ADD.	120.24
LOTS 137-139 WACO AVE. ENGLISH'S 8TH. ADD.	120.24
S 3 FT LOT 152 - ALL LOT 154 & N 19 FT LOT 156 WATER ST WALTER & WRIGHT'S ADD	120.24
RES F EUREKA OR ROCK ISLAND ADD.	120.24
E 1/2 LOTS 1-2 SUPPL PLAT OF ROSENTHAL'S 5TH. ADD.	120.24
LOTS 2-4-6-8-10-12 SAUNDERS ADD.	120.24
LOTS 18-20 GOLD ST. FAIRGROUND'S 2ND. ADD.	120.24

LOTS 145-147 WOODLAND RIVERSIDE GROVE ADD.	120.24
W 150 FT LOT 2 BLOCK A BROOKING'S ADD.	120.24
LOT 22 HALL'S ADD.	120.24
LOTS 23-24-25-26 BLOCK 14 JONES PARK ADD.	120.24
LOTS 1-2-3-4-5-6-7-8 BLOCK 18 JONES PARK ADD.	128.29
LOTS 7-8 BLOCK 27 JONES PARK ADD.	120.24
LOTS 50-52 EAGLE NOW 8TH ST SUPPL TO JONES 1ST. ADD.	120.24
LOTS 10-12 TOPEKA AVE. FORD'S ADD.	120.24
N 15 FT LOT 44-ALL LOTS 46-48 EAGLE ADD.	120.24
LOT 39 MATHEWSON AVE. MATHEWSON'S 4TH. ADD.	120.24

LOTS 1-3 WABASH AVE. MOORE'S ADD.	120.24
LOTS 18-20 WABASH AVE. ELLIOTT & HAMMOND'S ADD.	120.24
LOTS 17-19 EXC N 10 FT LOT 19 WABASH ELLIOTT & HAMMOND'S ADD.	120.24
N 10 FT LOT 19-ALL LOTS 21-23 WABASH AVE. ELLIOTT & HAMMOND'S ADD.	120.24
E1/2 LOTS 329-330 GRANVILLE PARK ADD.	120.24
LOTS 56-58 MATHEWSON AVE. GETTO'S ADD.	120.24
LOTS 57-59 ALLEN NOW MATHEWSON AVE. GETTO'S ADD.	120.24
LOTS 61-63 WABASH AVE. BURLEIGH'S 3RD. ADD.	120.24
LOTS 53-55 WABASH ADD.	120.24
E 41 FT LOTS 74-76 BLOCK 8 ORME & PHILLIPS ADD.	120.24

E 41 FT LOTS 74-76 BLOCK 8 ORME & PHILLIPS ADD.	120.24
LOTS 82-84 BLOCK 13 ORME & PHILLIP'S ADD.	120.24

SECTION 2. That the sums set opposite the following lots, tracts, pieces and parcels of land or ground, herein specified, be and the same are hereby levied to pay the cost of cutting weeds in the City of Wichita, Kansas in the year 2010:

LOTS 7-8 BLOCK 8 PERRY'S ADD.	128.29
LOTS 3-4 COTTAGE PARK ADD.	120.24
LOTS 15-17-19 WASHINGTON AVE. FOREST PARK ADD.	120.24
LOTS 58-60 WASHINGTON AVE. FOREST PARK ADD.	120.24
LOTS 145-147-149 RANSON & KAY'S 2ND. ADD.	120.24
S 50 FT OF LOT 2 BLOCK 8 KINKAID'S 2ND. ADD.	120.24
N 50 FT S 150 FT LOT 4 EXC ST. BLOCK 8 KINKAID'S 2ND. ADD.	120.24

LOTS 65-67 WASHINGTON AVE. ROCK ISLAND 3RD. ADD.	120.24
LOTS 145-147 HUNTER'S 3RD ADD.	120.24
LOTS 46-48 EXC PT TO STATE FOR HY WASHINGTON AVE LINCOLN ST. ADD.	120.24
LOTS 17-19-21-23 FANNIE AVE. STRONG'S ADD.	120.24
BEG 187 FT S & 165 FT E NW COR SW 1/4 NE 1/4 E 145 FT S 60 FT W 145 FT N TO BEG SEC 16-27-1E	120.24
N 43 FT OF TR BEG 358 FT E & 16 RDS S NW COR SW 1/4 NE 1/4 S 132 FT E 136 FT N 132 FT W TO BEG SEC 16-27-1E	120.24
LOT 5 BLOCK 2 PURCELL'S 3RD. ADD.	120.24
LOT 20 BLOCK 15 GARDEN PARK ADD.	120.24
E 44.4 FT LOT 19 & W 14.8 FT LOT 20 BLOCK 2 RAINBOW FIRST ADD.	120.24
S 348 FT W 155 FT BLOCK 16 EXC S 200 FT W 144 FT THEREOF RAINBOW FIRST ADD	128.29

S 10 FT LOT 15-ALL LOT 16 & N 5 FT LOT 17 OWSLEY PLACE ADD.	120.24
S 10 FT LOT 15-ALL LOT 16 & N 5 FT LOT 17 OWSLEY PLACE ADD.	120.24
LOTS 19-21 BUTLER & FISHER'S 2ND. ADD.	120.24
LOTS 40-42 BUTLER & FISHER'S 2ND. ADD.	120.24
LOTS 40-42 BUTLER & FISHER'S 2ND. ADD.	120.24
LOT 18 & LOT 20 EXC N 9.2 FT OZANNE & WINDSOR'S SUB.	120.24
N 9.2 FT LOT 20-ALL LOT 22 OZANNE & WINDSOR'S SUB.	120.24
LOT 22 EXC N 1/2 FT SPRUCE AVE. PARK PLACE ADD.	120.24
LOT 19 LOCUST NOW MADISON AVE. PARK PLACE ADD.	120.24
LOTS 5-7 PIATT AVE. STITES BROS. ADD.	120.24

LOTS 25-27 ASH ST. STITES BROS. 2ND. ADD.	120.24
LOTS 37-39 ASH ST. STITES BROS. 2ND. ADD.	120.24
LOTS 26-28 ASH ST. STITES BROS. 2ND. ADD.	120.24
LOTS 30-32 ASH ST. STITES BROS. 2ND. ADD.	120.24
LOTS 50-52 PIATT AVE. STITES BROS. 4TH. ADD.	120.24
LOTS 13-15 SPRUCE AVE. SOLOMONS 2ND. ADD.	120.24
LOTS 25-27 PENN NOW SPRUCE ST. SOLOMON'S 2ND. ADD.	120.24
LOTS 1-3 TENTH ST. ADD.	120.24
LOTS 17-19 TENTH ST. ADD.	120.24
LOTS 29-31 TENTH ST. ADD.	120.24

LOTS 41-43 SUNNY SLOPE ADD.	120.24
LOTS 45-47 SUNNY SLOPE ADD.	120.24
LOTS 72-74-76 ASH ST. ELEVENTH ST. ADD.	120.24
PORTION RESERVE I LY E OF MINNESOTA AVE SWAN'S ADD.	120.24
PORTION RESERVE I LY E OF MINNESOTA AVE SWAN'S ADD.	120.24
LOTS 9-10-11-12 ROSENTHAL'S 2ND. ADD.	120.24
LOTS 9-10-11-12 ROSENTHAL'S 2ND. ADD.	120.24
LOTS 49-50 ROSENTHAL'S 2ND. ADD.	120.24
LOTS 49-50 ROSENTHAL'S 2ND. ADD.	120.24
LOTS 108-109 ROSENTHAL'S 2ND. ADD.	120.24

W 1/2 LOTS 114-115-116-117 ROSENTHAL'S 2ND. ADD.	120.24
LOTS 138-139-140-141 ROSENTHAL'S 2ND. ADD.	120.24

SECTION 3. That the sums set opposite the following lots, tracts, pieces and parcels of land or ground, herein specified, be and the same are hereby levied to pay the cost of cutting weeds in the City of Wichita, Kansas in the year 2010:

LOT 203 ROSENTHAL'S 2ND. ADD.	120.24
LOTS 228-229 ROSENTHAL'S 2ND. ADD.	120.24
LOTS 146-148-150 PIATT AVE. LOGAN ADD.	120.24
LOTS 173-175 STRONG NOW ASH ST LOGAN ADD	120.24
LOTS 56-58 ASH ST. LOGAN ADD.	120.24
LOTS 108-110 STRONG NOW ASH ST. LOGAN ADD.	120.24
LOTS 161-163 CAMPBELL NOW MADISON AVE LOGAN ADD.	120.24

LOTS 83-85 SPRUCE ST. LOGAN ADD.	120.24
LOTS 118-120 SPRUCE ST. LOGAN ADD.	120.24
LOTS 1-3-5-7 BLOCK 2 KANSAS ADD.	120.24
LOTS 24-26 BLOCK 3 KANSAS ADD.	120.24
LOTS 76-78 BLOCK 6 KANSAS ADD.	120.24
LOTS 21-23 BLOCK 2 OHIO ADD.	120.24
LOTS 38-40-42 GROVE ST. STOUT'S ADD.	120.24
LOTS 37-39 MINNEAPOLIS AVE. PARKVIEW ADD.	120.24
LOT 35 & W 15 FT LOT 37 CENTRAL AVE. MAPLE GROVE ADD.	120.24
LOTS 6-8 ROYSTONE NOW ERIE AVE. MAPLE GROVE ADD.	120.24

W 52 FT E 54 FT S 1/2 LOT 7 FRISCO NOW 9TH. ST. MOSSMAN'S ADD.	120.24
W 50 FT E 98 FT N 1/2 LOT 7 FRISCO NOW 9TH. ST. MOSSMAN'S ADD.	120.24
LOTS 14-16 MONA NOW POPLAR ST. MOSSMAN'S 2ND. ADD.	120.24
LOTS 70-72-74 TYLER NOW GROVE FAIRMOUNT PARK ADD.	120.24
LOTS 49-51 MONA NOW POPLAR ST. FAIRMOUNT PARK ADD.	120.24
LOTS 73-75 MONA NOW POPLAR ST. FAIRMOUNT PARK ADD.	120.24
LOTS 102-104 MONA NOW POPLAR ST. FAIRMOUNT PARK ADD.	120.24
LOTS 106-108 MONA NOW POPLAR ST. FAIRMOUNT PARK ADD.	120.24
LOTS 23-25 ALICE NOW GREEN ST. FAIRMOUNT PARK ADD.	120.24
LOTS 61-63 GREEN ST. FAIRMOUNT PARK ADD.	120.24

LOTS 65-67 GREEN ST. FAIRMOUNT PARK ADD.	120.24
LOTS 18-20 ALICE NOW GREEN ST. FAIRMOUNT PARK ADD.	120.24
LOTS 50-52 GREEN ST. FAIRMOUNT PARK ADD.	120.24
LOTS 54-56 GREEN ST. FAIRMOUNT PARK ADD.	120.24
LOTS 66-68 GREEN ST. FAIRMOUNT PARK ADD.	120.24
LOTS 78-80 GREEN ST. FAIRMOUNT PARK ADD.	120.24
LOTS 112-114 GREEN ST. FAIRMOUNT PARK ADD.	120.24
LOTS 57-59 ESTELLE AVE. FAIRMOUNT PARK ADD.	120.24
LOTS 73-75 ESTELLE AVE. FAIRMOUNT PARK ADD.	120.24
LOTS 105-107-109 & N 15 FT LOT 111 ESTELLE AVE. FAIRMOUNT PARK ADD.	120.24

S 10 FT LOT 111-ALL LOT 113 ESTELLE AVE. FAIRMOUNT PARK ADD.	120.24
LOTS 98-100 ESTELLE AVE. FAIRMOUNT PARK ADD.	120.24
LOTS 54-56 ACADEMY NOW VOLUTSIA AVE. FAIRMOUNT PARK ADD.	120.24
LOTS 54-56 MT OLIVE NOW CHAUTAUQUA AVE FAIRMOUNT PARK ADD	120.24
LOTS 25-27 BLOCK 1 ESTERBROOK PARK ADD.	120.24
LOTS 33-35 BLOCK 2 ESTERBROOK PARK ADD.	120.24
LOTS 33-35 BLOCK 2 ESTERBROOK PARK ADD.	120.24
LOTS 42-44 BLOCK 2 ESTERBROOK PARK ADD.	120.24
LOT 12 & S 10 FT LOT 14 BLOCK 3 ESTERBROOK PARK ADD.	120.24
N 15 FT LOT 14-ALL LOT 16 BLOCK 3 ESTERBROOK PARK ADD.	120.24

LOTS 13-15 BLOCK 4 ESTERBROOK PARK ADD.	120.24
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SECTION 4. That the sums set opposite the following lots, tracts, pieces and parcels of land or ground, herein specified, be and the same are hereby levied to pay the cost of cutting weeds in the City of Wichita, Kansas in the year 2010:

LOTS 17-19 BLOCK 5 ESTERBROOK PARK ADD.	120.24
LOTS 21-23 BLOCK 5 ESTERBROOK PARK ADD.	120.24
LOTS 21-23 ERIE AVE. WOODRIDGE PLACE ADD.	120.24
LOTS 62-64 MT. VERNON NOW ERIE AVE. WOODRIDGE PLACE ADD.	120.24
LOTS 71-73 MT OLIVE NOW CHAUTAUQUA AVE. WOODRIDGE PLACE ADD.	120.24
LOTS 83-85 CHAUTAUQUA AVE. WOODRIDGE PLACE ADD.	120.24
LOTS 49-51 LORRAINE AVE. WOODRIDGE PLACE ADD.	120.24
LOTS 73-75 LORRAINE AVE. WOODRIDGE PLACE ADD.	120.24

LOTS 81-83 LORRAINE AVE. WOODRIDGE PLACE ADD.	120.24
LOTS 6-8 LORRAINE AVE. WOODRIDGE PLACE ADD.	120.24
LOTS 34-36 LORRAINE AVE. WOODRIDGE PLACE ADD.	120.24
LOTS 74-76 LORRAINE AVE. WOODRIDGE PLACE ADD.	120.24
LOTS 30-32 LORRAINE AVE. GIRARD ADD.	120.24
LOTS 37-39 MT. VERNON NOW ERIE AVE. GIRARD ADD.	120.24
LOTS 50-52 MT. VERNON NOW ERIE AVE. GIRARD ADD.	120.24
LOTS 6-8 GOETHE NOW ESTELLE ROSE HILL ADD.	120.24
LOTS 10-12 ESTELLE AVE. ROSE HILL ADD.	120.24
LOTS 14-16 GOETHE NOW ESTELLE AVE. ROSE HILL ADD.	120.24

LOTS 18-20 GOETHE NOW ESTELLE AVE. ROSE HILL ADD.	120.24
N 14 1/2 FT LOT 46 & S 37 1/2 FT LOT 48 GOETHE NOW ESTELLE AVE. GETTO'S 3RD. ADD.	120.24
W 74 FT LOTS 2-4-6-8 GREEN AVE. FAIRMOUNT ORCHARDS ADD.	120.24
LOTS 5-7 GOETHE NOW ESTELLE AVE. FAIRMOUNT ORCHARDS ADD.	120.24
LOTS 13-15 LIPPITT & ALDRICH'S SUB.	120.24
LOT 2 & N 7 FT LOT 4 CHAUTAUQUA AVE SCHUMACHER'S SUB.	120.24
LOTS 273-274 FAIRFAX ADD.	120.24
LOTS 45-47 BLOCK 6 WESTMORELAND ADD.	120.24
LOT 6 PERRY'S 2ND. ADD.	120.24
LOT 6 PERRY'S 2ND. ADD.	120.24

LOT 9 PERRY'S 2ND. ADD.	120.24
LOTS 37-39-41 POPLAR ST. REPLAT OF PART OF GETTOS 2ND. ADD.	120.24
LOTS 16-18-20 ESTELLE AVE REPLAT OF PART OF GETTOS 2ND ADD.	120.24
LOTS 34-36-38-40 ESTELLE AVE. REPLAT OF PART OF GETTO'S 2ND. ADD.	120.24
S 15 FT LOT 129 & ALL LOTS 130-131 BELMONT PARK ADD	120.24
LOTS 361-362 BELMONT PARK ADD.	120.24
LOTS 40-42-44-46 WALTER MORRIS & SON'S 4TH. ADD.	120.24
LOTS 3-4 BLOCK 1 EAST HIGHLANDS ADD.	120.24
LOTS 37-38 BLOCK 9 EAST HIGHLANDS ADD.	120.24
LOTS 23-24 BLOCK 12 EAST HIGHLANDS ADD.	120.24

LOT 12 BLOCK 1 PARKMORE ADD.	120.24
LOT 23 BLOCK 3 PARKMORE ADD.	120.24
LOT 2 BLOCK 4 PARKMORE ADD.	120.24
LOT 10 BLOCK 4 BEVERLY MANOR ADD.	120.24
LOT 19 PURCELL'S ADD.	120.24
LOT 14 BLOCK D MILLAIR ADD.	120.24
LOT 6 GRAHAM-PRATER SUB. NO. 2	120.24
LOT 6 BLOCK 1 PAUL'S ADD.	120.24
LOT 20 BLOCK 12 SHADYBROOK ADD.	120.24
LOT 20 BLOCK 14 SHADYBROOK ADD.	120.24

LOTS 7-8 BLOCK 15 COUNTRY CLUB HEIGHTS ADD.	120.24
LOT 3 BLOCK 2 EAST HIGHLAND NORTH ADD.	120.24

SECTION 5. That the sums set opposite the following lots, tracts, pieces and parcels of land or ground, herein specified, be and the same are hereby levied to pay the cost of cutting weeds in the City of Wichita, Kansas in the year 2010:

LOT 1 BLOCK 7 EAST HIGHLAND NORTH ADD.	120.24
LOT 5 BLOCK 7 EAST HIGHLAND NORTH ADD.	120.24
LOT 3 & N 1/2 LOT 4 BLOCK D YALE HEIGHTS ADD.	120.24
LOT 7 BLOCK 3 COUNTRY SIDE ADD.	120.24
LOT 3 BLOCK 13 COUNTRY SIDE ADD.	120.24
LOT 25 FAIRMOUNT PARK 2ND. ADD.	120.24
LOT 6 BLOCK P UNIVERSITY PARK ADD.	120.24

LOT 4 BLOCK 4 BUILDER'S FIRST ADD.	120.24
LOT 5 BLOCK 4 BUILDERS FIRST ADD.	120.24
LOT 11 BLOCK 4 BUILDERS FIRST ADD.	120.24
LOTS 24-25 BLOCK 11 UNIVERSITY HEIGHTS ADD.	120.24
LOT 10 BLOCK 3 UNIVERSITY HEIGHTS 2ND ADD.	120.24
LOTS 7-9 BLOCK 16 LINWOOD PARK ADD.	120.24
LOT 7 BLOCK D GREENDALE ADD.	120.24
LOT 9 BLOCK D GREENDALE ADD.	120.24
LOT 14 BLOCK 2 J. WALTER ROSS ADD.	120.24
LOT 12 BLOCK 4 J WALTER ROSS ADD.	120.24

LOT 7 BLOCK 7 J. WALTER ROSS ADD.	120.24
LOT 17 BLOCK 3 KEN-MAR ADD.	120.24
LOT 6 BLOCK J AUDREY MATLOCK HEIGHTS 1ST. ADD.	120.24
LOT 2 & W 1.5 FT LOT 3 BLOCK O AUDREY MATLOCK HEIGHTS 1ST. ADD.	120.24
LOT 20 BLOCK Q AUDREY MATLOCK HEIGHTS 1ST. ADD.	120.24
LOT 17 BLOCK T AUDREY MATLOCK HEIGHTS 1ST. ADD.	120.24
LOT 2 BLOCK U AUDREY MATLOCK HEIGHTS 1ST. ADD.	120.24
LOT 9 BLOCK Y AUDREY MATLOCK HEIGHTS 1ST. ADD.	120.24
LOT 28 BLOCK F EASTRIDGE 6TH. ADD.	120.24
LOT 11 BLOCK A MC ADAM ACRES ADD.	120.24

S 3 FT LOT 4-ALL LOT 5 BLOCK 4 RIDGECREST ADD.	120.24
LOT 20 BLOCK 4 RIDGECREST ADD.	120.24
E 140 FT LOT 57 HILLSIDE GARDENS ADD	120.24
LOT 80 EXC E 30 FT FOR ST. HILLSIDE GARDENS ADD.	120.24
LOT 8 BLOCK 3 ROBERT L. MYERS' ADD.	120.24
LOT 7 REPLAT OF RESERVE A KAUFMAN'S SUB.	120.24
LOTS 16-17-18-19-20 BLOCK 1 RIDGECREST 2ND. ADD.	128.29
LOT 4 J & G REPLAT IN EASTWOOD VILLAGE ADD.	120.24
LOT 9 BLOCK 8 EASTRIDGE 11TH. ADDITION	120.24
LOT 2 BLOCK 14 EASTRIDGE 11TH. ADD.	120.24

LOT 2 BLOCK G 1ST. ADD. TO WOODLAWN VILLAGE	120.24
LOT 6 GENTRY 3RD. ADD.	120.24
LOT 2 BLOCK D PLANEVIEW SUB. NO. 1	120.24
LOT 52 BLOCK J PLANEVIEW SUB. NO. 1	120.24
LOT 23 BLOCK C PLANEVIEW SUB. NO. 2	120.24
LOT 36 BLOCK A HILLTOP MANOR SUB. A REPLAT OF PT HILLTOP MANOR & HILLTOP MANOR 2ND. ADD.	120.24
ODD LOTS 39 THRU 47 INC. BLOCK 8 COLLEGE CREST ADD.	120.24
TH PT LOT 1 BEG NW COR THEREOF TH ELY 153.7 FT SELY 353.62 FT SLY ALG E LI 125 FT W 445.08 FT TO W LI N 362 FT TO BEG EAST TURNPIKE ENTRANCE ADD	226.67
LOT 1 EXC S 43.45 FT BLOCK 7 CHERRY CREEK HILLS ADD.	120.24
S 43.45 FT LOT 1	120.24

BLOCK 7 CHERRY CREEK HILLS ADD.	
LOT 16 BLOCK 3 COTTONWOOD VILLAGE SECOND ADD.	120.24
LOT 9 BLOCK 1 COTTONWOOD VILLAGE THIRD ADD.	120.24

SECTION 6. That the sums set opposite the following lots, tracts, pieces and parcels of land or ground, herein specified, be and the same are hereby levied to pay the cost of cutting weeds in the City of Wichita, Kansas in the year 2010:

BEG NE COR LOT 1 S 84.23 FT NW 148.74 FT TO W LI N 3.60 FT TO NW COR LOT 1 E 125 FT TO BEG BLOCK 1 SCOTT STUCKEY SECOND ADD	120.24
LOT 5 BLOCK 4 4TH. ADD. TO CRESTVIEW HEIGHTS	120.24
N 1/2 LOT 15 ALL LOT 17 DODGE AVE. LAWRENCE'S 2ND. ADD.	120.24
LOTS 27-29 DODGE AVE. LAWRENCE 7TH. ADD.	120.24
LOT 1 BLOCK 8 JUNCTION TOWN CO. ADD. UTILITY ROLL	120.24
LOTS 14-15 KAEISER'S 2ND ADD.	120.24

LOTS 18-20 BLOCK B SOUTH UNIVERSITY PLACE ADD.	120.24
LOTS 45-47 BLOCK G SOUTH UNIVERSITY PLACE ADD.	120.24
THAT PART LOT 2 LY SE OF ORIENT AVE. & ALL LOT 4 EXC ORIENT AVE. BLOCK K SOUTH UNIVERSITY PLACE ADD.	120.24
LOTS 63-65-67 BLOCK G SHEARMAN'S ADD.	120.24
LOTS 241-243 EXC E 10 FT FOR ST RICHMOND'S 2ND. ADD.	120.24
LOTS 57-59 LINCOLN NOW IRVING ST GARFIELD 2ND. ADD.	120.24
N 50 FT W 126.25 FT LOT 5 EVERETT AVE LAWNFIELD ADD.	120.24
LOTS 28-30 PALMERSTON NOW GORDON AVE. SMITHSON'S SUB.	120.24
LOTS 29-31 BLOCK 6 REPLAT PART JOHN MC CORMICK'S ADD.	120.24
LOTS 1-3 BLOCK 21 REPLAT PART OF JOHN MCCORMICK'S ADD.	120.24

LOTS 24-26-28 BLOCK 13 WHITLOCK'S REPLAT	120.24
LOTS 37-39 VINE ST BLOCK G PRINCESS ADD	120.24
LOT 2 COX'S REPLAT	120.24
LOTS 17-19 BLOCK 2 DUGAN ADD.	120.24
LOT 14 BLOCK 20 PAWNEE PARK ADD.	120.24
LOT 1 BLOCK C GENE DOUGLAS MATLOCK ADD.	120.24
LOT 6 BLOCK C GENE DOUGLAS MATLOCK ADD.	120.24
LOT 3 INDIAN HILLS ADD.	120.24
E 75 FT LOT 2 BLOCK 11 PARKWILDE ADD.	120.24
LOT 24 BLOCK 10 ORCHARD PARK ADD.	120.24

LOT 7 BLOCK 3 JENKINS 2ND. ADD.	120.24
LOT 7 BLOCK 4 KELL HAWKINS ADD.	120.24
LOT 8 BLOCK 4 KELL HAWKINS ADD.	120.24
LOT 17 FULGROAT ADD.	120.24
LOT 16 BLOCK 5 1ST. ADD. TO SOUTHWEST VILLAGE	120.24
LOT 1 BLOCK 17 2ND. ADD. TO SOUTHWEST VILLAGE	120.24
LOT 6 BLOCK 4 WESTBROOK 2ND. ADD.	120.24
LOT 16 BLOCK A BURN'S ADD.	120.24
LOT 13 BLOCK D SUNNYSIDE GARDENS 4TH. ADD.	120.24
LOT 4 HICKORY CREEK ADD.	120.24

LOT 3 BLOCK C PATE & VESTERING REPLAT PART OF STEWART'S SUB.	120.24
LOT 2 EXC W 1 FT MAY ST. REPLAT LOT 19 BLOCK 1 PAWNEE PARK ADD.	120.24
LOT 10 BLOCK 8 PURCELL'S 10TH. ADD.	120.24
LOT 22 BLOCK 9 PURCELL'S 10TH. ADD.	120.24
LOT 6 BLOCK 11 PURCELL'S 11TH. ADD.	120.24
LOT 18 BLOCK 2 PURCELL'S 9TH. ADD.	120.24
LOT 2 CIRCUIT CITY ADD.	325.05
LOT 1 BLOCK A ECK 4TH ADD.	128.29
LOT 7 BLOCK 4 ANGEL ACRES ADD.	120.24
LOT 1 BLOCK 5 ANGEL ACRES ADD.	120.24

LOT 9 BLOCK 6 ANGEL ACRES ADD.	120.24
LOT 16 BLOCK 6 ANGEL ACRES ADD.	120.24
LOT 20 BLOCK 6 ANGEL ACRES ADD.	120.24
LOT 2 STONEBOROUGH 2ND ADD.	169.43
LOT 5 BLOCK 1 SOUTH HYDRAULIC GARDENS ADD.	120.24
BEG 425 FT W OF E LI NW1/4 AT PT ON N LI HORSESHOE BAY ADD TH N TO SWLY RR ROW LI TH SE ALG ROW LI TO N LI HORSESHOE BAY ADD TH SW 110 FT NWLY ALG CUR 340.92 FT TO BEG PT NW1/4 & SW1/4 SEC 3-27-1W	218.62
LOT 2 BLOCK 4 SYCAMORE POND ADD	120.24

SECTION 7. This ordinance shall take effect and be in force from and after its passage by the city council and publication once in the official City newspaper.

ADOPTED at Wichita, Kansas, this 15th day of **December, 2009**.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form

Gary E. Rebenstorf, Director of Law

Published in The Wichita Eagle on **December 18, 2009**

ORDINANCE NO. _____.

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE COST OF ABATING CERTAIN PUBLIC HEALTH NUISANCES (**LOT CLEAN UP**) UNDER THE PROVISION OF SECTION 7.40.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite each of the following lots, pieces and parcels of land or ground, herein specified, be and the same is hereby levied to pay the cost of abating certain public nuisances under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, which public health nuisances are determined to have existed upon the following described property:

LEGAL OF PARCEL IN BENEFIT DISTRICT	ASSESSMENT
LOTS 93-95 JEANETTE AVE. RICH'S ADD.	581.50
LOTS 34-36-38-40 BLOCK H MONTROSE PARK ADD.	330.00
LOT 1 & NELY 20 FT VAC HWY K-96 ADJ ON SW & VAC N 10 FT 29TH ST ADJ ON S & VAC E 10 FT MERIDIAN ADJ ON W BLOCK 1 PIERPOINT ACRES ADD.	1,534.40
LOTS 17-19 EXC N 10 FT LOT 19 WABASH ELLIOTT & HAMMOND'S ADD.	434.90
N 10 FT LOT 19-ALL LOTS 21-23 WABASH AVE. ELLIOTT & HAMMOND'S ADD.	1,677.95

LOTS 32-34 MATHEWSON AVE. GRANVILLE PARK ADD.	934.00
LOTS 57-59 OHIO AVE. BURLEIGH'S 3RD. ADD.	478.50
LOT 132 BLOCK 14 ORME & PHILLIPS ADD	396.45
LOTS 6-8 BLOCK 3 ALLEN & SMITH'S ADD.	707.60
LOTS 14-16 BLOCK 3 ALLEN & SMITH'S ADD.	809.00
LOTS 145-147 HUNTER'S 3RD ADD.	842.40
LOTS 41-43 GARDNER'S SUB.	1,147.70
LOTS 36-38 KITCHENMEISTER'S SUB.	438.20
LOT 5 BLOCK 5 SCHRADER BROS. 2ND. ADD.	628.80
LOTS 19-21 BUTLER & FISHER'S 2ND. ADD.	484.25

LOT 18 & LOT 20 EXC N 9.2 FT OZANNE & WINDSOR'S SUB.	557.85
N 9.2 FT LOT 20-ALL LOT 22 OZANNE & WINDSOR'S SUB.	696.40
LOTS 14-15 ROACH'S SUB.	524.75
LOT 16 & N 8 1/3 FT LOT 17 ROACH'S SUB.	294.40
LOTS 70-72 PIATT AVE. STITES BROS. 4TH. ADD.	1,019.80
LOTS 29-31 EXC BEG SW COR LOT 31 N 25 FT E 25 FT S 25 FT W 25 FT TO BEG. SPRUCE ST. SOLOMONS 2ND. ADD.	751.95
LOT 42 EXC N 15 FT - ALL LOTS 44- 46-48 TILFORD NOW ASH ST. ELEVENTH ST. ADD.	759.05
LOTS 36-38 BLOCK 1 KANSAS ADD	655.15
LOTS 55-57-59 BLOCK 5 KANSAS ADD.	325.30
LOTS 88-90-92-94 BLOCK 6 KANSAS ADD.	520.25

LOTS 56-58 BLOCK 7 OHIO ADD	912.65
LOTS 1-3 STRONG NOW ASH ST. STOUT'S ADD.	389.50
LOTS 1-3 STRONG NOW ASH ST. STOUT'S ADD.	430.00
LOTS 1-3 SPRUCE ST. STOUT'S ADD.	941.95
LOTS 80-82-84-86 TYLER NOW GROVE AVE. STOUT'S ADD.	1,127.45
LOTS 24-26 GREEN ST. FIREBAUGH'S SUB. BLK. 3 CHAUTAUQUA ADD. EXEMPT #1997-9995-TX	475.24
W 52 FT E 54 FT S 1/2 LOT 7 FRISCO NOW 9TH. ST. MOSSMAN'S ADD.	447.60
LOTS 65-67 ABBIE NOW VOLUTSIA AVE. MOSSMAN'S 2ND. ADD.	939.90
E 42 1/2 FT LOT 13 CASWELL'S SUB.	382.00
LOTS 112-114 GREEN ST. FAIRMOUNT PARK ADD.	457.25

LOTS 69-71 MABEL NOW ESTELLE AVE. FAIRMOUNT PARK ADD.	490.00
LOTS 74-76 LORRAINE AVE. FAIRMOUNT PARK ADD.	677.75
LOTS 42-44 BLOCK 2 ESTERBROOK PARK ADD.	425.70
LOTS 14-16 BLOCK 4 ESTERBROOK PARK ADD.	894.10
LOTS 9-11 BLOCK 6 ESTERBROOK PARK ADD.	2,182.90
LOTS 49-51 ERIE AVE. WOODRIDGE PLACE ADD.	475.25
LOTS 22-24 ESTELLE AVE. ROSE HILL ADD.	565.65
LOTS 46-48 POPLAR AVE. FAIRMOUNT ORCHARDS ADD.	525.80
LOTS 41-43 GOETHE NOW ESTELLE AVE. FAIRMOUNT ORCHARDS ADD.	434.45
LOTS 22-24-26 2ND. FAIRMOUNT ORCHARDS ADD.	630.45

N 45 FT LOT 8 FLORAL PLACE NOW HOLYOKE AVE. FLORAL ADD.	326.40
LOTS 30-32 POPLAR ST. BUCKNER'S SUB.	1,690.15
LOTS 38-40 SPANGENBERGER'S SUB.	396.25
LOT 8 BLOCK 2 PARKMORE ADD.	342.70
LOT 23 BLOCK 3 PARKMORE ADD.	813.40
LOT 2 BLOCK 4 PARKMORE ADD.	418.80
E 47 FT LOT 6 & W 25 FT LOT 7 BLOCK 5 SHADYBROOK ADD.	417.00
W 41 FT LOT 15 & E 37 FT LOT 16 BLOCK 7 SHADYBROOK ADD.	821.45
LOTS 37-38 BLOCK 10 COUNTRY CLUB HEIGHTS ADD.	1,263.75
LOT 2 BLOCK 3 BUILDERS 2ND. ADD.	541.80

LOT 2 BLOCK 1 CHRISTY MANOR ADD.	540.15
LOT 28 BLOCK F EASTRIDGE 6TH. ADD.	585.80
LOTS 45-47 BLOCK 24 J O DAVIDSON'S 2ND. ADD. EXEMPT # 1998-698-TX	494.60
N 40 FT LOT 6 & S 40 FT LOT 7 BLOCK 2 WESTBOROUGH 2ND. ADD.	255.00
LOT 8 BLOCK B GROVE'S 2ND. ADD.	588.65

PROJECT S 80331 41,747.84 VALUATION (SQ. FT)
DATE: 10/21/09

SECTION 2. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this **15th day of December, 2009.**

Carl Brewer, Mayor

ATTEST

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law

Agenda Item No. XII-

CITY OF WICHITA
City Council Meeting
December 8, 2009

TO: Mayor and City Council Members

SUBJECT: Victim Advocate Contract with Kansas Legal Services, Inc.

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Approve the contract with Kansas Legal Services, Inc., including any necessary fund transfers, and authorize the Mayor to sign.

Background: The domestic violence victim advocate is located within the Department of Law, Prosecutor's Office. The advocate provides services to victims of domestic violence, including but not limited to notification of court appearances, information pertaining to services offered to victims of domestic violence related crimes, and assistance of victims throughout the court process. This position has been an integral part of the City of Wichita's Domestic Violence Program since its inception in 1990. Kansas Legal Services, Inc. has provided these services since 1999, at a lower cost than the vendor that handled the program prior to 1999. The last increase in the contract was effective in 2004, so that Kansas Legal Services has performed the services from 2004 through the current year with no annual adjustment. This year, Kansas Legal Services has notified the Law Department that it will not be able to renew the contract expiring on December 31, 2009 without a \$3,000 increase in the compensation provided for thereunder.

Analysis: The amount of the requested increase is not unreasonable given that the vendor has performed for the last five years with no annual adjustments. Except for the \$3,000 increase in the contract amount, the proposed contract provisions remain the same as in the 2008 contract.

Financial Considerations: The contract amount shall not exceed \$38,000 for fiscal year 2009.

Goal Impact: Safe and Secure Community; Prosecution and Diversion Services.

Legal Considerations: The contract has been prepared and approved as to form by the Law Department.

Recommendations/Actions: Approve the contract, including any necessary fund transfers and authorize the Mayor to sign.

Attachment: Contract

AGREEMENT

THIS CONTRACT dated as of the ____ day of December, 2009, by and between the City of Wichita, Kansas (hereinafter called the City) and KANSAS LEGAL SERVICES, INC., (hereinafter called the Contractor).

WITNESSETH THAT:

WHEREAS, the City wishes to engage the Contractor to provide victim advocacy services in connection with the City's Domestic Violence Program and Contractor is qualified to provide such services; and

NOW, THEREFORE, the contracting parties do mutually agree as follows:

SECTION 1. SCOPE OF SERVICES. The Contractor shall perform services in a satisfactory and proper manner as determined by the City and as outlined per Exhibit B.

SECTION 2. TIME OF PERFORMANCE. The services of the Contractor are to be governed by the terms of this contract from January 1, 2010, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this contract through a period of 12 months from January 1, 2010, ending no later than December 31, 2010.

SECTION 3. RECORDS, REPORTS AND INSPECTION.

A. Establishment and Maintenance of Records. The Contractor shall establish and maintain records as prescribed by the City, with respect to all matters covered by this contract. Except as otherwise authorized by the City, the Contractor shall retain such records for a period of three years after receipt of the final payment under this contract or termination of this contract.

B. Documentation of Costs. All costs shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers, or other official documentation evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to this contract shall be clearly identified and readily accessible.

C. Reports and information. The Contractor, at such times and in such forms as the City may require, shall furnish to the City or the City's designated agent or agency, such statements, records, reports, data and information as the City may request pertaining to matters covered by this contract. All reports, information, data and other related materials, prepared or assembled by the Contractor under this contract, are confidential and shall not be made available to anyone other than the City or its designated agents or agencies without the prior written approval of the City.

D. Audits and Inspections. The Contractor shall at any time and as often as the City may deem necessary make available to the City for examination all its records and data for the purpose of making audits, examinations, excerpts and transcriptions.

SECTION 4. CONFLICT OF INTEREST. No member, officer or employee of the Contractor or its designees or agent or public official exercising any functions or responsibilities with respect to the program outlined in this contract shall have any personal financial interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this agreement. The Contractor shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of this section.

SECTION 5. DISCRIMINATION.

A. Discrimination Prohibited. No recipient or proposed recipient of any funds, services or other assistance under the provisions of this contract or any program related to this contract shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with the funds made available through this contract on the grounds of race, color, national origin, ancestry, religion, physical handicap, sex or age. (Reference Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352)). For purposes of this section, "program or activity" is defined as any function conducted by an identifiable administrative unit of the Contractor receiving funds pursuant to this contract.

B. Compliance with EEO Policy Statement. The Contractor further agrees to implement and comply with the "Revised Non- Discrimination and Equal Employment Opportunity Statement for contracts or agreements" as provided in Exhibit A attached hereto.

SECTION 6. COMPLIANCE WITH LOCAL LAWS. All parties shall comply with all applicable laws, ordinances, codes and regulations of the State of Kansas and local governments.

SECTION 7. ASSIGNABILITY. The Contractor shall not assign any interest in this contract without prior written consent of the City.

SECTION 8. COPYRIGHTS. If this contract results in a book or other material which may be copyrighted, the author is free to copyright the work. The City reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use all such copyrighted material and all material which can be copyrighted.

SECTION 9. PATENTS. Any discovery or invention arising out of or developed in the course of work aided by this contract shall promptly and fully be reported to the City for determination by the City as to whether patent protection on such invention or discovery shall be

sought and how the rights in the invention or discovery, including rights under the patent issued thereon, shall be disposed of and administered, in order to protect the public interest.

SECTION 10. POLITICAL ACTIVITY PROHIBITED.

A. None of the funds, materials, property or services provided directly or indirectly under this contract shall be used for partisan political activity. The Contractor agrees that no funds provided under this contract shall be used for lobbying and/or propaganda purposes designed to support or defeat legislation pending before the Congress of the United States of America or the Legislature of the State of Kansas, or any other governmental unit.

B. The funds provided under this contract shall not be engaged in any way in contravention of Chapter 15 of Title 5, U.S.C.

SECTION 11. USE AND DISPOSITION OF PROPERTY.

A. Disposition of Expendable/Non-Expendable Personal Property. All office equipment, supplies, materials and other personal property purchased in whole or in part with funds pursuant to this contract and used for the administration of this contract or in the administration of a program operated by the City shall be the sole and exclusive property of the City unless otherwise specified in Exhibit B.

B. Real Property. All real property purchased or otherwise acquired under the terms of this contract shall be under title of the City unless otherwise specified in Exhibit B.

SECTION 12. PAYMENTS.

A. Compensation and Method of Payment. Compensation and method of payment to the Contractor relative to conducting the operations of the project activities and services as herein described will be carried out as specified in Exhibit B attached hereto, and will be administered under the established accounting and fiscal policies of the City of Wichita.

B. Total Payments. Total Payment to the Contractor will not exceed \$38,000.00 (reduced by the cost of any voicemail account provided for the Contractor by direct application of funds in the Law Department budget), and it will be the responsibility of the Contractor to budget consistent with such limitation so that it is able to provide the services required hereunder for the entire 12-month period of this contract. If the \$38,000.00 (reduced by the cost of the voicemail account) is exhausted prior to the end of the 12-month contract period, Contractor shall bear the costs of performing services as required hereunder for the remainder of said period.

C. Unearned Payments. Under this contract unearned payments may be suspended or terminated upon refusal to accept any additional conditions that may be imposed by the City at any time; or if the docket fees or other fees or funding mechanisms used by the City of Wichita to provide funding for domestic violence advocacy services are for any reason suspended or invalidated.

SECTION 13. TERMINATION CLAUSE. Upon breach of the contract by the Contractor, the City, by giving written notification, may terminate this contract immediately. A breach shall include, but not be limited to, failure to comply with any or all items contained within Section 1 through Section 18, Exhibits and/or provisions of any subsequent contractual amendments executed relative to this contract. In such event, all finished or unfinished documents, data, studies, and reports prepared by the Contractor under this contract shall, at the option of the City, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

Notwithstanding the above, the Contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any payments to the Contractor for the purpose of set-off until such time as the exact amount of damages due the City from the Contractor is determined.

SECTION 14. TERMINATION FOR CONVENIENCE. The City may terminate this contract at any time by a notice in writing from the City to the Contractor.

SECTION 15. AMENDMENTS.

A. To provide necessary flexibility for the most effective execution of this project, whenever both the City and the Contractor mutually agree, changes to this contract may be effected by placing them in written form and incorporating them into this contract.

B. Programmatic changes substantially altering the contract's original intent or financial changes in contract amount or line items in the approved budget over \$10,000 shall require a written contract amendment. The amendment shall be approved by the City Council and shall also be approved and signed by all parties to the original contract.

SECTION 16. PERSONNEL AND SERVICES. All services required herein will be performed by the Contractor under the direction of its Regional Director. Any services which the Contractor deems necessary to assign to a subcontractor must first have written approval from the City unless otherwise specified in Exhibit B.

SECTION 17. RENEGOTIATION. This contract may be renegotiated in the event alternate sources of funding become available during the term of the contract.

SECTION 18. APPENDICES. All exhibits referenced in this contract and all amendments of mutually agreed upon modification made by both parties are hereby incorporated as though fully set forth herein.

Exhibit A Non-Discrimination & Equal Employment Opportunity Statement

Exhibit B Performance Criteria

Exhibit C Certification Regarding Drug-Free Workplace

Exhibit D Confidentiality Statement

IN WITNESS WHEREOF, the parties have set their hands this _____ day of
December, 2009.

CITY OF WICHITA

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf,
Director of Law

KANSAS LEGAL SERVICES, INC.

, Executive Director

**REVISED NON-DISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM
REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.
- B. Requirements of the State of Kansas:
 - 1. The contractor shall observe the provisions of the Kansas Act against discrimination (Kansas Statutes Annotated 44- 1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, Vietnam Era Veteran or Special Disabled Veteran and age except where age is a bona fide occupational qualification, national origin or ancestry;
 - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission"
 - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by and contracting agency;
 - 4. If the contractor is found guilty of a violation of the Kansas Act against discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraph 1 through 4, inclusively, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.

C. Exempted from these requirements are: (State of Kansas)

1. Any contractor, subcontractor, vendor or supplier who has already complied with the provisions set forth in sections pertaining to the State of Kansas by reason of holding a contract with the Federal government, or a contract involving Federal funds.
2. Contracts entered into by a contractor, subcontractor, vendor or supplier who employs fewer than four (4) employees during the term of this contract.
3. Contracts with the City of Wichita with a cumulative total of five thousand dollars (\$5,000) or less during the fiscal year of the City.

D. Provisions of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:

1. The vendor, supplier, contractor or subcontractor shall observe the provisions of the Code of the City of Wichita against discrimination (Section 2.12.900, et seq. of the Code of the City of Wichita, Kansas) and shall not discriminate against any employee or applicant for employment in the performance of work under the present contract, purchase order or agreement because of race, religion, color, sex, "disability, Vietnam Era Veteran or Special Disabled Veteran and age except where age is a bona fide occupational qualification", national origin, ancestry or marital status. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program when required to the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;
2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or in behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment with out regard to race, religion, color, sex, "disability, Vietnam Era Veteran or Special Disabled Veteran and age except where age is a bona fide occupational qualification", national origin, ancestry or marital status. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase that is deemed acceptable by the City of Wichita.

3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the rules, regulations, and will permit access to books, records and procedures concerning employment relations by the for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City of Wichita in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be initiated against such vendor supplier, contractor or subcontractor;
4. If the vendor, supplier, contractor or subcontractor is found guilty of a violation of any provision of the Code of the City of Wichita pertaining to and regulating Non-Discrimination -- Equal Employment Opportunity under a decision or order of the City of Wichita, Kansas, which has become final, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement, and it may be canceled, terminated or suspended in whole or in part by the City of Wichita, and such other sanctions and remedies may be imposed as provided by law;
5. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsection 1 through 4, inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.

E. Exempted from these requirements are: (City of Wichita)

1. Any contractor or subcontractor, vendor or supplier of the City of Wichita, or any of its agencies, who wishes to enter into a contract, purchase order or agreement shall prior to entering into such contract, purchase order or agreement, submit to the City of Wichita, Kansas, a preliminary report on forms, provided by the Board, concerning Non-Discrimination -- Equal Employment/Affirmative Action for review and evaluation. Upon review of the preliminary form submitted:
 - a. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
 - b. These provisions shall not apply to vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in

this section by reasons of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) days period from the Federal agency involved.

- c. Those contractors, subcontractors, vendors or suppliers not exempted herein whose preliminary report reveals deficiencies shall be required to submit goals and timetables for correction of such deficiencies in accordance with instructions included with the preliminary report for review, evaluation and acceptance prior to a contract, purchase order or agreement award.

- F. Failure of any contractor, subcontractor, vendor or supplier to report to the "Kansas Human Rights Commission" as required by K.S.A. 44-1031, as amended, or has been found guilty of a violation of the City's Ordinances, State Statutes, or Federal Statutes, or regulations pertaining to unlawful discrimination, which finding, decision or order has become final, shall be deemed a breach of this contract and said contract may be canceled, terminated or suspended in whole or in part by the City or its contracting agency.

SCOPE OF SERVICES

Provide one full-time victim advocate to assist community funded advocates with services for victims of domestic violence cases which are prosecuted in the City of Wichita Municipal Court. The Advocate will provide resources directed toward stopping violence in domestic relationships and will assure the victim is not revictimized by the judicial process by assisting the representatives of community organizations and volunteers in providing the following services:

1. **VOLUNTEER PROGRAM**

Coordinate a volunteer program to ensure availability of volunteer advocates to work with victims.

2. **VICTIM'S FIRST APPEARANCE IN MUNICIPAL COURT**

Advocate to attend in person the Municipal Court domestic violence daily docket calls at 10:30 a.m. and 1:30 p.m., Monday through Friday, for the purposes of making contact with the victims. The following should occur during the initial contact:

- a. Assessment of the victim's needs and referral of the victim to appropriate agencies and treatment;
- b. Consult with the victim concerning recommendations to be made to the Court on restrictions to be placed on offender's appearance bond;
- c. Provide the victim an explanation of the Court process and possible disposition of the case, including that charges are filed by the City and the victim therefore cannot have the charges dropped;
- d. Explain treatment alternatives for the offender;
- e.. Advise the victim if a no-contact provision is set on the appearance bond, and of the procedure to use if the offender attempt to contact the victim, or otherwise violates such restrictions;
- f. Provide the victim with an information pamphlet and ensure that the victim understands that the advocacy system is in place to assist during the Court proceedings and thereafter, and make sure the victim understands that the goal of the program is to stop violence;
- g. Assign a volunteer or make other arrangements to ensure continuing contact will occur with the victim throughout the Court proceedings.

3. VICTIMS THAT DO NOT APPEAR FOR FIRST APPEARANCE

- a. If the victim does not appear at the first court appearance, make personal contact for the purpose of attempting to persuade the victim to participate in the case and to otherwise advise the victim of services available through the Victim Advocacy Program; provide documentation of such contacts made and attempted, and the reason for non-appearance; and
- b. Make arrangements for Police Department to take evidentiary photographs of the victim the day after an incident has occurred when the victim has not been subpoenaed to appear in Court the next day following the incident. This requirement does not apply to Saturday or Sunday.

4. ASSISTANCE DURING COURT PROCEEDINGS

- a. Maintain, at a minimum, monthly contact with the victim while the case is pending to ensure that the victim is apprised of the progress of the case;
- b. Continue to assess the victim's needs as to types of assistance which will help ensure the victim's ability to continue to work with the Court process;
- c. Provide recommendations to the prosecutor, for presentation to the Court for purposes of establishing conditions of probation/deferred judgment (i.e., no-contact restrictions); and
- d. Provide recommendations to the prosecutor regarding the victim's availability for Court proceedings.

5. ASSISTANCE AFTER COURT PROCEEDINGS

Maintain, at a minimum, monthly contact with the victim during the period of time that the offender is on probation/deferred judgment or in jail in order to:

- a. Assure that the offender is meeting the conditions of probation/deferred judgment, including any court-ordered restriction on contacting the victim or others;
- b. Assess, on a continuing basis, the victim and the victim's family needs and make appropriate referrals to outside agencies;
- c. Report to the prosecutor, probation or deferred judgment coordinator any violations of probation/deferred judgment conditions that are committed by the offender; and

8. EDUCATION PROGRAM

Coordinate with the community funded victim advocates a workshop to educate victims about domestic violence, wherein sessions will be scheduled at the request of a victim or victims.

PROGRAM ADMINISTRATION

Operations and administration on a day-to-day basis will be supervised by a staff attorney of Contractor. Ultimate responsibility for policies, personnel and fiscal accountability lies with Kansas Legal Services, Inc.

1. Funding -- It is mutually agreed by and between the City and the Contractor that the total funds available for payment to the Contractor under this program will be \$38,000.00 (reduced by the cost of any voicemail account provided for the Contractor directly from funds in the Law Department budget), which will be used as set forth in the sections entitled Budget and Method of Payment. In addition, however, Data Center charges for one Public Safety and one Outlook access, and any charges required for the City PC made available to the Contractor will be provided for by direct payment to Data Center from funds in the Law Department budget.

2. The City shall pay the Contractor as hereinafter set out, the maximum of \$38,000.00 (reduced by the cost of the above-referenced voicemail account), for the program described in this contract. Said funds shall be used as follows:

Salaries and benefits of Paralegal and Office Supplies	\$38,000.00
(reduced by the cost of the above-referenced voicemail account, which is budgeted at \$90)	

3. Method of Payment

The Contractor agrees payments under this contract shall be in accordance with established budgeting, purchasing and accounting procedures of the City of Wichita.

- a) The City agrees to reimburse the Contractor monthly upon submittal of a cost control statement with supportive documentation as stipulated below.
- b) The City and Contractor mutually understand and agree that the categories of expenditures and amounts are estimates and may vary during the course of the contract. Adjustments can be made administratively unless it involves a significant change in categories of expenditures or a budget

change over \$10,000 which have to be approved as a contract amendment by the City Council.

- c) Reimbursement of salaries shall be on the basis of time sheets signed by the employee and the employer. A salary schedule showing the employees and salaries to be reimbursed shall be submitted in writing at the beginning of the contract period and at such times as adjustments are made. A copy of the paycheck shall be provided as shall written acknowledgment by the employee of receipt of the check with the date of receipt.
- d) Employee benefits are to be reimbursed as follows:
 - 1) Social Security/Medicare shall be reimbursed at the applicable rate of the employer's share; documentation need not be submitted with each monthly reimbursement but shall be available for review by the City, and shall be submitted upon request.
 - 2) Benefits for health insurance will be paid on the basis of an insurance company billing and a copy of the canceled check paying the invoice.
 - 3) Benefits for retirement will be paid as a percentage of salary. The percentage to be paid will be set at the start of the contract period and shall be paid on the basis of a copy of the canceled check to the retirement fund and a copy of the statement or billing. The percentage to be reimbursed may be modified upon written notice.
- e) The Contractor will ensure all costs are eligible according to the approved budget. The original documentation supporting all reimbursed expenditures will be retained by the Contractor for three (3) years after the final payment of expenditures made under this contract.

OTHER PROGRAM REQUIREMENTS

- 1. The Contractor understands and agrees that the services under this contract will be provided without any religious purpose and will in no way promote any religious interest. No religious instruction, religious counseling, or religious proselytizing will be permitted in connection with the services under this contract.
- 2. Contractor shall procure and maintain a liability insurance policy which will protect the Contractor from errors, omissions and negligent acts of the Contractor, its agents, officers and employees in the performance of the services rendered under this contract. Such policy of insurance shall be in an amount of not less than \$500,000.00 per occurrence and shall name the City as an additional insured.

Satisfactory certificates of insurance on all insurance shall be filed with the City by Contractor.

3. Contractor agrees to hold the City harmless from any and all claims, suits, actions or judgments, brought or entered against the City arising out of Contractor's performance under the terms and conditions of this agreement, including attorney's fees; provided, however, nothing herein shall impose on Contractor any obligation to hold the City harmless from City's own negligence.
4. Contractor agrees to comply with any applicable drug-free workplace requirements found at 24 CFR 24 Subpart F and to execute the certification attached hereto as Exhibit C.
5. All employees and volunteers of Contractor who work in the Victim Advocate Program shall be required to sign the Confidentiality Statement attached hereto as Exhibit D and failure to abide by the terms of the statement shall be reason to exclude them from further participation in Victim Advocate activities.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Contractor certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violation of the prohibition.
- (b) Establishing a drug-free awareness program to inform employees about -
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Contractor's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of this contract be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the agreement, the employee will -
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- (e) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee so convicted -
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

(f) The site for the performance of work done in connection with this contract is:

455 N. Main, Wichita, Kansas 67202

Executed this _____ day of _____, 200_.

By: _____
(signature)

(typed or printed name)

(title)

CONFIDENTIALITY STATEMENT

I, _____, understand that I will have access to confidential information in police officers' reports as part of my duties as a victim advocate.

As a condition of my appointment as a victim advocate, I agree not to disseminate any particulars of any case to anyone outside Kansas Legal Services, unless (1) such person has also signed a Confidentiality Statement or (2) I am ordered to do so by a court of competent jurisdiction. This includes but is not limited to, name, address, and phone number of the victim, defendant, or witnesses. All information used and gathered as part of this program shall be used exclusively for this program, excluding statistical information.

I further understand that this need for confidentiality does not end at the completion of my appointment as a victim advocate. Therefore, once my appointment has finished, I will still maintain confidentiality on all cases within my knowledge.

Dated this _____ day of _____, 200_.

Victim Advocate

City of Wichita
City Council Meeting
December 8, 2009

TO: Mayor and City Council

SUBJECT: ARRA Street Maintenance Projects (Districts I & VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Place the amending ordinances on first reading and approve the necessary budget adjustments.

Background: On August 18, 2009, the City Council approved three street maintenance projects that have been approved for funding by the American Reinvestment and Recovery Act (ARRA). The projects are: Broadway, between Central and 12th Street; Washington, between 1st Street and Central; and Hillside, between 9th Street and 12th Street.

On October 13, 2009, the City Council approved General Obligation bond ordinances for these projects. The initial ordinance inadvertently did not include bonding authority for the entire costs of each project, but rather only the ARRA fund component. Amending ordinances have been prepared to authorize temporary financing for the entire estimated amount of each project.

Analysis: The work consists of asphalt mill and overlay on Broadway; concrete pavement repair on Washington and concrete pavement replacement on Hillside. Bonding ordinances are needed for these projects for temporary financing needs. Ultimately, federal funds will be used to fund these projects, as well as local cash funds transferred from the Street Maintenance operating budget.

Financial Considerations: A total of \$1.782 million in ARRA funding is available for these three projects. The estimated City project administration and inspection costs for these projects are \$216,757, for a total cost of \$1,998,757. The estimated total cost of each project is as follows: Broadway - \$553,245 (\$486,000 ARRA/\$67,245 City); Washington - \$485,212 (\$432,000 ARRA/\$53,212 City); and Hillside - \$960,300 (\$864,000 ARRA/\$96,300 City).

The City share of \$216,757 is available in the Street Maintenance operating budget and was approved on August 18, 2009. However, it will be necessary to shift the budget authority from a contractual expense to a transfer expense, in order to appropriately record the City's costs on these projects. The timing of this transfer will occur at year 2009, or early in 2010.

Goal Impact: These projects address the Efficient Infrastructure goal by providing needed maintenance of three arterial streets.

Legal Considerations: The Law Department has approved the amending ordinances as to legal form.

Recommendation/Action: It is recommended that the City Council place the amending ordinances on first reading and authorize the necessary signatures, and authorize the necessary budget adjustment.

Attachments: Amending ordinances.

ORDINANCE NO. 48-572

AN ORDINANCE AMENDING ORDINANCE NO. **48-440** OF THE CITY OF WICHITA, KANSAS DECLARING **BROADWAY, BETWEEN CENTRAL AND 12TH STREET (472-84845)** TO BE A MAIN TRAFFICWAY WITHIN THE CITY OF WICHITA KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF THE SAME.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. SECTION 3 of Ordinance **48-440** is hereby amended to read as follows:

“SECTION 3. The cost of the construction of the above described improvements is estimated to be Five Hundred Fifty-Three Thousand Two Hundred Forty-Five Dollars (\$553,245) exclusive of the cost of interest on borrowed money. To the extent the cost of such improvements is not paid by Federal Grants administered by the Kansas Department of Transportation or Wichita Street Maintenance funds, the City of Wichita, Kansas is authorized to issue general obligation bonds to pay such costs under the authority of K.S.A. 12-689 up to a maximum amount of \$553,245, exclusive of the cost of interest on borrowed money.”

SECTION 2. The original of SECTION 3 of Ordinance No. **48-440** is hereby repealed.

SECTION 3. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 15th day of December, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gary E. Rebenstorf
Director of Law

Published in the Wichita Eagle on December 18, 2009

ORDINANCE NO. 48-573

AN ORDINANCE AMENDING ORDINANCE NO. **48-545** OF THE CITY OF WICHITA, KANSAS DECLARING **WASHINGTON, BETWEEN 1ST STREET AND CENTRAL (472-84846)** TO BE A MAIN TRAFFICWAY WITHIN THE CITY OF WICHITA KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF THE SAME.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. SECTION 3 of Ordinance **48-545** is hereby amended to read as follows:

“SECTION 3. The cost of the construction of the above described improvements is estimated to be Four Hundred Eighty-Five Thousand Two Hundred Twelve Dollars (\$485,212) exclusive of the cost of interest on borrowed money. To the extent the cost of such improvements is not paid by Federal Grants administered by the Kansas Department of Transportation or Wichita Street Maintenance funds, the City of Wichita, Kansas is authorized to issue general obligation bonds to pay such costs under the authority of K.S.A. 12-689 up to a maximum amount of \$485,212, exclusive of the cost of interest on borrowed money.”

SECTION 2. The original of SECTION 3 of Ordinance No. **48-545** is hereby repealed.

SECTION 3. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 15th day of December, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gary E. Rebenstorf
Director of Law

ORDINANCE NO. 48-574

AN ORDINANCE AMENDING ORDINANCE NO. **48-546** OF THE CITY OF WICHITA, KANSAS DECLARING **HILLSIDE, BETWEEN 9TH STREET AND 12TH STREET (472-84847)** TO BE A MAIN TRAFFICWAY WITHIN THE CITY OF WICHITA KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF THE SAME.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. SECTION 3 of Ordinance **48-546** is hereby amended to read as follows:

“SECTION 3. The cost of the construction of the above described improvements is estimated to be Nine Hundred Sixty Thousand Three Hundred Dollars (\$960,300) exclusive of the cost of interest on borrowed money. To the extent the cost of such improvements is not paid by Federal Grants administered by the Kansas Department of Transportation or Wichita Street Maintenance funds, the City of Wichita, Kansas is authorized to issue general obligation bonds to pay such costs under the authority of K.S.A. 12-689 up to a maximum amount of \$960,300, exclusive of the cost of interest on borrowed money.”

SECTION 2. The original of SECTION 3 of Ordinance No. **48-546** is hereby repealed.

SECTION 3. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 15th day of December, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gary E. Rebenstorf
Director of Law

City of Wichita
City Council Meeting
December 8, 2009

TO: Mayor and City Council

SUBJECT: Purchase of Paratransit Minivans (All Districts)

INITIATED BY: Wichita Transit

AGENDA: Consent

Recommendation: Approval to purchase two minivans for lease to Kansas Elks Training Center for the Handicapped (KETCH).

Background: Wichita Transit received approval from the City Council on May 5, 2009, to purchase transit vehicles using American Recovery and Reinvestment Act grant funds to help support transit activities for several nonprofit contracting agencies in the Wichita community. Wichita Transit will lease these specific vehicles to KETCH under agreement to comply with federal grant requirements. These two vehicles are a special type, and it is more efficient to purchase them using the Kansas Department of Transportation (KDOT) open bid instead of an in-house procurement process.

Analysis: Wichita Transit has agreed to purchase these two vehicles using the KDOT open bid for-the style, model type, and modifications as requested by KETCH. A one-year lease agreement with four one-year extensions will be approved and executed by both parties for the use of these vehicles.

Financial Considerations: The base cost per vehicle is \$38,465. The total cost of the two minivans with necessary optional enhancements is \$76,930. Total funding for this project will come from the American Recovery and Reinvestment Act (ARRA) transit grant in the amount of \$76,930 (100% federal funding).

Goal Impact: The replacement and expansion of paratransit vehicles continues to ensure that there is sufficient infrastructure to maintain safe and dependable transit equipment to those citizens that have mobility challenges in our community.

Legal Considerations: The City's Law Department will review and approve the vehicle lease as to content and form.

Recommendations/Actions: It is recommended that the City Council approve the purchase of two minivans from Kansas Truck and Equipment Co., Inc., at the cost of \$76,930 and authorize the purchasing manager to execute a purchase order.

Attachments: None.

Second Reading Ordinances for December 8, 2009 (first read on December 1, 2009)

Public Hearing and Issuance of Hospital Facilities Refunding Revenue Bonds, Via Christi Health Systems, Inc. (District VI)

ORDINANCE NO. 48-565

An Ordinance authorizing the city of Wichita, Kansas to issue its hospital facilities refunding revenue bonds (Via Christi Health System, Inc.) in the total aggregate principal amount of not to exceed \$95,000,000 for the purposes of refunding certain outstanding 1999 hospital facilities improvement and refunding revenue bonds; prescribing the form and authorizing execution of a bond indenture by and between the city and the Bank of New York Mellon Trust Company, N.A., as bond trustee; prescribing the form and authorizing the execution of a fifth supplemental sublease and obligation no. 5a by and between the city and Via Christi Regional Medical Center, Inc.; prescribing the form and authorizing the execution of a first supplemental sublease and obligation No. 5b by and between the city and Via Christi Rehabilitation Center, Inc.; prescribing the form and authorizing the execution of a second supplemental sublease and obligation no. 5c by and between the city and Mt. Carmel Regional Medical Center, Inc.; approving the form of guaranty agreement and obligation no. 5aa by and between Via Christi Regional Medical Center, Inc. and the bond trustee; approving the form of guaranty agreement and obligation no. 5bb by and between Via Christi Rehabilitation Center, Inc. and the bond trustee; approving the form of guaranty agreement and obligation no. 5cc by and between Mt. Carmel Regional Medical Center, Inc. and the bond trustee; prescribing the form and authorizing execution of a tax compliance agreement by and between the city, the bond trustee, Via Christi Health System, Inc., Via Christi Regional Medical Center, Inc., Via Christi Rehabilitation Center, Inc., and Mt. Carmel Regional Medical Center, Inc.; prescribing the form and authorizing the execution of a bond purchase agreement by and between the city, Via Christi Health System, Inc. and Morgan Stanley & Co Incorporated, as underwriter of the 2009 bonds.